

of which are insured under the provisions of section 12B of the Federal Reserve bank, as amended; to the Committee on Banking and Currency.

4595. Also, petition of the Traffic Club of Newark, N. J., urging that the Merchant Marine Act of 1936 be amended to provide for the incorporation of all unions and other associations of ship officers and men; to the Committee on Merchant Marine and Fisheries.

4596. By Mr. HART: Petition of the Board of Commissioners of the city of Newark, N. J., asking that the pay of a worker on a Works Progress Administration project be at least the amount the worker would receive from the relief provided by the municipality, which sum has been determined to be necessary for the maintenance of the said worker and his family; to the Committee on Appropriations.

4597. By Mr. LUTHER A. JOHNSON: Memorial of Bob Reeves, Jr., of Midlothian, Tex., favoring House bill 1669; to the Committee on Interstate and Foreign Commerce.

4598. By Mr. KENNEDY of New York: Petition of the New York County Lawyers Association, of New York City, urging enactment of House bill 8765, to keep America out of war by establishing and enforcing a policy of actual neutrality; to the Committee on Foreign Affairs.

4599. Also, petition of the New York State Shorthand Reporters' Association, New York City, concerning the Hobbs bill (H. R. 9789); to the Committee on the Judiciary.

4600. By Mr. KEOGH: Petition of the Hayward-Schuster Co., New York City, concerning the Federal reorganization bill; to the Committee on Government Organization.

4601. Also, petition of Page Displays, Inc., New York City, concerning House bill 9259, compulsory licensing of patents; to the Committee on Patents.

4602. Also, petition of Durkee Famous Food, Elmhurst, Long Island, N. Y., concerning House bill 9259, compulsory licensing of patents; to the Commissioner on Patents.

4603. By Mr. KNIFFIN: Petition of J. A. Lantzenheiser, of Edon, Ohio, director of the Cold Water Dairy Co., Coldwater, Mich., urging consideration of House bill 2730 now pending before the Ways and Means Committee; to the Committee on Ways and Means.

4604. By Mr. O'NEILL of New Jersey: Petition of the senate, State of New Jersey, petitioning Congress to take the necessary steps to accept the inland waterway of the State of New Jersey for the purpose of maintenance, further construction, development, and improvement; to the Committee on Military Affairs.

4605. Also, petition of the National Furniture Warehousemen's Association and Allied Van Lines, Inc., favoring the abandonment of the full reserve system under the Social Security Act and the substitution of a contingent reserve on a pay-as-you-go basis, and further petitioning that pay-roll taxes under the Social Security Act remain at the present level; to the Committee on Ways and Means.

4606. By Mr. PFEIFER: Petition of the Hayward-Schuster Co., Inc., New York City, concerning the Government reorganization bill; to the Committee on Government Organization.

4607. Also, petition of the Labor's Non-Partisan League, Washington, D. C., endorsing the Federal Workers' Appeals Act and the Federal Work Week Act; to the Committee on the Civil Service.

4608. Also, petition of Durkee Famous Foods, Elmhurst, Long Island, New York City, concerning the Federal licensing bill (H. R. 9259); to the Committee on Patents.

4609. Also, petition of Page Displays, Inc., New York City, concerning the Federal licensing bill (H. R. 9259); to the Committee on Patents.

4610. By Mr. QUINN: Petition of the Steel Workers Organization Committee of Glassport, Pa., protesting against the war-profits bill; to the Committee on Military Affairs.

4611. By Mr. TOWEY: Petition of citizens and voters in the State of New Jersey, petitioning Congress to enact legislation to return the sovereign power to Congress to coin money, and to regulate the value thereof; to the Committee on Banking and Currency.

4612. By the SPEAKER: Petition of Labor's Non-Partisan League, requesting the Congress of the United States to enact into law House Joint Resolution 527; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MARCH 24, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 23, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9415. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937; and

H. R. 9915. An act to amend the Agricultural Adjustment Act of 1938, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1570. An act consenting to an interstate compact between the States of Minnesota, South Dakota, and North Dakota relating to the utilization of, the control of the floods of, and the prevention of the pollution of the waters of the Red River of the North and streams tributary thereto;

S. 1986. An act to amend section 42 of title 7 of the Canal Zone Code and section 41 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended (U. S. C., 1934 ed., title 48, sec. 893);

S. 3554. An act authorizing the appointment of an additional judge of the District Court for the Northern District of Alabama; and

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Hughes	Pittman
Austin	Davis	Johnson, Calif.	Pope
Bailey	Dieterich	Johnson, Colo.	Radcliffe
Bankhead	Donahay	King	Reames
Barkley	Duffy	La Follette	Reynolds
Berry	Ellender	Lee	Schwartz
Bilbo	Frazier	Lodge	Schwellenbach
Bone	George	Logan	Sheppard
Borah	Gerry	Louderman	Shipstead
Bridges	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McGill	Thomas, Okla.
Bulkeley	Green	McKellar	Thomas, Utah
Bulow	Guffey	McNary	Townsend
Burke	Hale	Maloney	Tydings
Byrd	Harrison	Miller	Vandenberg
Byrnes	Hatch	Milton	Wagner
Capper	Hayden	Minton	Walsh
Caraway	Herring	Neely	Wheeler
Chavez	Hill	Norris	

Mr. MINTON. I announce that the Senator from Illinois [Mr. LEWIS], the Senator from Montana [Mr. MURRAY], the

Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Georgia [Mr. RUSSELL] are detained in their respective States on official business.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

PROCEEDINGS OF CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

The VICE PRESIDENT laid before the Senate a letter from the president of the Columbia Institution for the Deaf, transmitting, pursuant to law, the proceedings of the thirtieth meeting of the Convention of American Instructors of the Deaf, which, with the accompanying documents, was referred to the Committee on Printing.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2009. A bill to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission (Rept. No. 1538); and

S. 3188. A bill for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La. (Rept. No. 1539).

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (H. R. 8982) to amend Public Law No. 282, Seventy-fifth Congress, relative to the fisheries of Alaska, reported it without amendment and submitted a report (No. 1540) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 3166) to amend section 2139 of the Revised Statutes, as amended, reported it without amendment and submitted a report (No. 1541) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the joint resolution (H. J. Res. 594) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest, reported it without amendment and submitted a report (No. 1542) thereon.

Mr. O'MAHONEY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 3786) providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming, reported it without amendment and submitted a report (No. 1543) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LUNDEEN:

A bill (S. 3726) for the relief of postal substitutes; to the Committee on Post Offices and Post Roads.

By Mr. REYNOLDS:

A bill (S. 3727) making the 11th day of November in each year a legal holiday; to the Committee on the Judiciary.

By Mr. GUFFEY:

A bill (S. 3728) to amend section 3336 of the Revised Statutes, as amended, pertaining to brewers' bonds, and for other purposes; and

A bill (S. 3729) to amend section 327 of the Liquor Tax Administration Act, approved June 26, 1936, relating to certain tax refunds to brewers, and for other purposes; to the Committee on Finance.

By Mr. KING:

A bill (S. 3730) to provide for insurance rates against loss by fire and lightning, and for other purposes; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 3731) for the reinstatement of Harold A. Hughes in the Regular Army; to the Committee on Military Affairs.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 9415. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Education and Labor.

H. R. 9915. An act to amend the Agricultural Adjustment Act of 1938, and for other purposes; to the Committee on Agriculture and Forestry.

REORGANIZATION OF EXECUTIVE DEPARTMENTS—AMENDMENT

Mr. BROWN of Michigan submitted an amendment intended to be proposed by him to the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which was ordered to lie on the table and to be printed.

EXPERIMENTAL AIR-MAIL SERVICE—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 7448) to provide for experimental air-mail services to further develop safety, efficiency, and economy, and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF ADDITIONAL COPIES OF OLD-AGE PENSION BILL, H. R. 4199

Mr. ANDREWS submitted the following resolution (S. Res. 254), which was referred to the Committee on Printing:

Resolved, That 10,000 additional copies of the bill (H. R. 4199) to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful employment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards of insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes, be printed for the use of the Senate document room.

IMPORTANCE OF FOREIGN TRADE TO THE UNITED STATES—ADDRESS BY E. C. MORSE

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an address delivered by E. C. Morse, at the fifth annual port of New York banquet held by the Foreign Commerce Club of New York at the Hotel Astor, New York City, March 15, 1938, on the subject of Importance of Foreign Trade to the United States, which appears in the Appendix.]

DEPORTATION OF ALIENS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD extracts from a pamphlet issued by the American Immigration Conference Board, Inc., of New York City, which appear in the Appendix.]

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY—ORDER OF BUSINESS

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Let the Chair state the parliamentary situation. The Senate yesterday ordered that the vote be taken on what is known as the Byrd amendment to the reorganization bill not later than 1 o'clock today, and that the time until 1 o'clock be equally divided between the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. BYRNES]. The Chair thinks that he should make that announcement for the information of the Senate and the Senator from Nebraska, because under the circumstances he feels that he must recognize one of the two Senators named, who will control the time from now until 1 o'clock.

Mr. NORRIS. Mr. President, I ask permission to submit a unanimous-consent request.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NORRIS. I ask unanimous consent that as soon as the Senate shall have voted upon the amendment now pending it take up for consideration Senate Resolution 251, providing for a Senate investigation of the T. V. A.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I stated a few days ago to the able leader that I am very anxious to have considered bills on the calendar, many of which are as important to me and other Senators, and I think to the country, as is the proposed T. V. A. investigation. I am for such an investigation, and I do not particularly care whether it is conducted by a Senate committee or by a joint committee of the House and Senate. However, I want the pending bill disposed of, and I want the calendar called. If we were to act piecemeal on matters which may be brought up, I think that would be unfair. Indeed, a number of Senators have asked me if I would object to considering bills on the calendar because of their emergent character. I told them I would object to that. Just yesterday the able Senator from Mississippi [Mr. BILBO] referred to a bill on the calendar proposing to amend the last Agricultural Adjustment Act. That bill is of an emergent character, because it is now about time to plant the cotton. I told him that I had a bill or two on the calendar which involved the same proposition in the West, and that I could not consent to the consideration of any legislation out of order until we have the calendar called. I am advised that we cannot have the calendar called until the pending bill is disposed of. So I give warning now that I shall object to the consideration of any resolution or bill on or off the calendar or on the secretary's desk until we reach the calendar, when we will all have an equal chance. I say that without prejudice to any Senator, and I say it because I think it is in the interest of orderly procedure and fair legislation.

The VICE PRESIDENT. Does the Senator from Oregon object to the request of the Senator from Nebraska?

Mr. McNARY. I object to that request and shall object to every other similar request which may be made.

The VICE PRESIDENT. Objection is heard.

Mr. McNARY. I thought I made it clear, but let it be known that I object to the consideration of the resolution referred to or any other measure that has to be considered by unanimous consent until we finish the consideration of the pending bill, and reach the calendar, when we will all have an equal opportunity to secure consideration of bills and resolutions in which we are interested and which we think are just as emergent as are others that are now being proposed to be taken up out of order, some of which have been brought to my attention from day to day by individual Members of the Senate.

The VICE PRESIDENT. Objection is heard.

Mr. NORRIS. Mr. President, I had supposed that the resolution referred to by me since everyone is for it, might be adopted without taking up any time. I realize the Senator has a right to object, but when we reach the calendar he will not be any nearer to what he desires, because an objection can be made then to any bill just the same as it can now. I have no objection to the Senator from Oregon objecting or to any other Senator objecting if he wants to object, but I desire the Senate to understand clearly what the situation is.

Mr. McNARY. I have endeavored to make clear what the situation is, so far as I am concerned. I am for an investigation of the T. V. A. and, I repeat, I do not care whether the investigation is conducted by a Senate committee or a joint committee representing the Senate and the House. I shall not object to it when we reach that order of business when every Senator may be heard upon bills and resolutions in which he is interested.

Mr. BORAH. Mr. President, if the time for the consideration of the resolution referred to by the Senator from Nebraska were limited by a unanimous-consent agreement would that make a difference to the Senator from Oregon?

Mr. McNARY. That would make a very great difference. I have said specifically that I am going to see that everyone is treated alike, in view of the congested condition of the calendar.

The VICE PRESIDENT. The Senator from Virginia and the Senator from South Carolina control the time from now until 1 o'clock.

Mr. NORRIS. Mr. President, I will submit another request, if I may obtain unanimous consent to do so.

The VICE PRESIDENT. Is there objection to the Senator from Nebraska submitting another unanimous-consent request?

Mr. BYRNES. Mr. President, we have an agreement to vote at 1 o'clock on the pending amendment, and I should like to have that order of business proceeded with. I intend to yield time to the Senator from Washington [Mr. SCHWELLENBACH].

Mr. BARKLEY. Mr. President, inasmuch as the Senate has already agreed to vote at 1 o'clock, anything that happens before that is taken out of the time, is it not?

Mr. NORRIS. I do not think my unanimous-consent request was understood.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska to submit a unanimous-consent agreement? The Chair hears none.

Mr. NORRIS. I ask unanimous consent that as soon as the Senate shall have voted upon the pending amendment it proceed to consider Senate Resolution 251, providing for a senatorial investigation of T. V. A., and that the consideration of the resolution shall not consume more than one-half hour.

Mr. McNARY. Mr. President, I stated a moment ago my objection and the theory upon which I made it. I renew the objection.

The VICE PRESIDENT. Objection is heard.

REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

Mr. BYRNES. I yield 15 minutes to the Senator from Washington [Mr. SCHWELLENBACH].

Mr. SCHWELLENBACH. Mr. President, discussing the amendment submitted by the Senator from Virginia [Mr. BYRD], I desire to go back first to the consideration which was given by the Congress to the enactment of the auditing bill in 1921.

Reference has been made to Mr. Good and the statements he made at that time. I desire to read briefly from what was said by him, appearing in the CONGRESSIONAL RECORD for October 17, 1919:

The creation of an independent auditing department will produce a wonderful change. The officers and employees of this department will at all times be going into the separate departments in the examination of their accounts. They will discover the very facts that Congress ought to be in possession of and can fearlessly and without fear of removal present these facts to Congress and its committees. The independent audit will, therefore, I believe, accomplish a threefold result.

The first result to which he referred was this:

First. It will serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every department of the Government.

That was the idea Congress had. There has been a great deal of talk throughout the country and in this body during the past year or so about dictatorship. It seems to me interesting that those who talk most about dictatorship are attempting to retain in the Comptroller General the most dictatorial powers that have ever been given to

any official of our Government; yet the answer which is given to that is that the Comptroller General is an arm of the Congress; that he represents the Congress; and, therefore, that it is entirely proper, as a representative and agent of Congress, to give to him that dictatorial power.

Mr. POPE. Mr. President, may I ask the Senator one question?

Mr. SCHWELLENBACH. I have only 15 minutes.

Mr. POPE. Who is Mr. Good?

Mr. SCHWELLENBACH. Mr. Good was chairman of the committee in the House at the time the matter was under consideration, in 1919.

Let us see what has been the relationship between the Congress and the Comptroller General.

An agency necessarily implies reports back to the principal; and Congress thought they would get these reports back from their agent. Congress provided in the law, subsection (c) of section 312, as follows:

The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

The law did not require an annual report, but it did use the words "in any year." What reports does Congress receive from the Comptroller General in response to this requirement of the law? Let me say that so far as I have been able to ascertain, Congress has received only one report. I do not say definitely that there were not reports prior to that time, but nobody connected with the Congress knows of any reports prior to that time. The only report which has been made available that I have been able to find out about was filed with the Congress on March 4 of this year. In other words, during the entire 16 years of existence of the Comptroller General's office, it was only after this reorganization bill came up for consideration that he has complied with that requirement as to reports. One thing is certain, that there have not been any reports from him since 1926, because in this report are contained various items reporting irregularities which occurred in 1926, 1927, 1928, 1929, and 1930 down to date.

Of what value is it to the Congress to have an auditor; of what value is it to the Congress to have an agent, who for a period of at least 12 years has not made the reports required by the law?

The report which was submitted on the 5th of March, after this bill came up for consideration, points out a number of instances, going back, as I said, to 1926. If the departments were operating in violation of law in 1926 and 1927 and 1928, what value does the Congress get out of a report submitted in March of 1933? What can we do about it? The whole theory upon which this auditing system is based—that the auditor shall report irregularities to the Congress, so that Congress may do something about them; but he waits for 12 years before he makes his report to the Congress, and after the bill comes up for consideration, after the argument is presented here that he is not making proper reports, he then comes up with a report for the operations of the past 12 years.

The Comptroller General made another report to the Congress in the form of a letter which he submitted to the chairman of the committee in charge of this bill. That letter was submitted this year—I do not know the exact date—but it contains certain statements as to information requested of the Comptroller General by the committee in charge of the bill. I desire to point out what this report shows.

One of the statements shows direct settlements and disallowances by the General Accounting Office during the fiscal years 1922 to 1936, inclusive. It shows the number of certificates, the amount allowed, and the amount disallowed. It was a surprising thing, in looking through this report, to find that comparatively small amounts of disallowances occurred until 1932, when the amount jumped up to \$18,572,329.94; in 1933 the amount was \$4,788,451.25; in 1934, \$56,379,726; in 1935, \$4,251,320.34; in 1936, \$4,264,922.50.

A check-back was made with the Comptroller General's Office as to what appeared to be a discrepancy in this report.

That check-back revealed that the report made by our agent, our Comptroller General, to the Congress, for the use of the Congress, had been deliberately changed, and did not present the correct figures at all. The correct figure for 1932 was \$13,133,802.46. The figure which the Comptroller General submitted was \$18,572,329.94.

The correct figure for 1933 was \$10,483,457.71. The report showed \$4,788,451.25.

The correct figure for 1934 was \$13,731,783.15. The report showed \$56,379,726.

The correct figure for 1935 was \$9,217,584.10. The report showed \$4,251,320.34.

The correct figure for 1936 was \$9,233,350.50. The report showed \$4,264,922.50.

What had the Comptroller General done? He had figured up an average of the relationship or percentage between amounts allowed and amounts disallowed, and he put down that percentage throughout the years. What was the result? The result was to show that under this administration he had disallowed \$88,256,750.03 worth of items, when as a matter of fact the actual figures were that he had disallowed \$53,857,157.16 worth, the figures which were submitted.

In other words, in an effort to defeat the desire upon the part of the administration to have a correct accounting system in our Government, the Comptroller General submitted to the Senate committee a statement which was \$35,000,000 in error so far as the years under this administration were concerned, increasing the amount of disallowances under this administration, and decreasing the amount of disallowances under the other administrations. That is the kind of reports Congress is getting from its agent, its Comptroller General; and yet these people are here saying that nothing should be done to touch this sacred agency of the Comptroller General's office.

The Comptroller General filed another statement with the Senate in which he set forth the amount of recoveries during the same period of time. That report showed, for the first 5 years of the operation of the Comptroller General's Office, that they had recovered from disallowances \$5,000,000 more than they had disallowed. It showed that they disallowed, in round figures, \$19,000,000 worth of items in those 5 years, and that on those disallowances they had recovered \$24,000,000.

That is the kind of reports we are getting from the Comptroller General's Office. That is another report which was submitted by the Comptroller General to the chairman of the committee in charge of this bill.

The same report showed that during the year 1927 they collected a total of \$5,305,978.61. They take credit in their report for having made that collection. This was the office which was said to be collecting the money for the Government. As a matter of fact, of that amount \$4,653,000 was a set-off of the United States Railroad Administration, and was not a collection at all.

In 1928 they claim to have collected \$4,307,803.55. Of that amount, \$2,157,000 were set-offs.

They claimed for 1932 an item of \$1,497,100.56 collected, when, as a matter of fact, of that amount \$1,112,000 were simply payments in through foreign postal accounts.

These are some of the reports which the Congress is receiving from the Comptroller General.

When I spoke previously upon this matter I pointed out that there is not a business in the world that operates upon the basis of having one man keep the books and having the same man audit the books. We cannot confuse and mix up the item of controlling accounts and the item of auditing accounts and get anywhere.

I desire to read briefly from a statement by Arthur Krock in the New York Times of March 15, in which he criticizes certain portions of the bill, and then he says:

But on the point of the proposal in the Byrnes bill to separate audit and control, as recommended in principle by the Brownlow report, this correspondent has been convinced he did not give full value the other day to the merits of the plan and was incorrect in his conclusion it would take from Congress supervision of expendi-

tures and turn general accounting into a mere Presidential appendage. The rebuttal of the experts in this particular has been conclusive.

Under the present law the Comptroller General has been so absorbed in the control of expenditures that he has never been able to give Congress the audit it should have. A few days ago the Acting Comptroller General submitted an audit of T. V. A. which charged irregularities that allegedly occurred in 1934. The law provides for an audit of T. V. A., giving its officials "a reasonable time" to answer before a report is made. Certainly, 4 years is an unreasonable time. This is one instance of the faulty working of the present system.

The proposed separation of audit and control—the latter to be performed for the Executive by the Budget Bureau, the former to run almost currently under the supervision of a congressional joint committee of accounts—conforms to the practices of modern business. It should assure, if the auditor general does his work well and the joint committee occasionally audits its auditor, that Congress will promptly know how the Executive is disbursing the moneys it appropriates. This should provide, in the words of a famous accountant, "a process of continuous cure" of irregularities and the quick passage of curative legislation.

The theory under which we have the Comptroller General is that he is our agent; he is our auditor; he represents us. Yet he has not made a report to us for at least 12 years about the things he was supposed to report to us, and no one can deny that the reports which he submitted to the special committee were deliberately changed in order to give the impression that under the present administration there had been greater disallowances than under previous administrations.

I submit, Mr. President, that if the Congress is to adopt a system of Federal bookkeeping which will be businesslike, and in conformity with the theories of business, the amendment of the Senator from Virginia must be rejected.

Mr. BYRD. Mr. President, I yield 15 minutes to the Senator from Colorado [Mr. ADAMS].

Mr. ADAMS. Mr. President, the Constitution of the United States provides, in article I, section 9, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." That provision is contained in the section of the Constitution laying down prohibitions, and the establishment by Congress of adequate agencies to enforce this constitutional injunction is not only within the power of Congress but seems to be a clear duty of the Congress.

It is argued that there is a distinction between audit and control; that audit is legislative, that control is executive. I do not care how these functions are classified; the responsibility resting upon Congress to see that no money is appropriated from the Treasury except "in consequence of appropriations made by law" makes it necessary for Congress to provide the machinery which will not only control, but audit, governmental expenditures.

I am not a bookkeeper, I am not an accountant, and I have approached this question with considerable hesitation, but it seems to me that this is the situation: The Senator from Washington has pointed out instances which he says demonstrate that the Comptroller General has not lived up to the law. That does not demonstrate the unsoundness of the law. The President of the United States, I think for some 18 months, has had the right to select a Comptroller General of his own choice, who, I have no doubt, if selected, would have enforced the law. If the Comptroller General in office up to 1936 did not live up to the law, if those who are acting in his place have not lived up to the law, the fault is not that of the Congress.

The function of the Comptroller General at this time is a combination of the functions of audit and control—two distinct functions. It is now proposed to take from the legislative agent all the function of control and to restrict the legislative department to an audit. It is proposed to persuade Congress that we should follow the practices of business, and assimilate governmental practices to those of the private corporation.

Mr. President, I do not think the parallel is sound. The Government of the United States is different, in its essence and in its purpose, from a private corporation. The Gov-

ernment of the United States is concerned with preserving the rights of the people, with establishing one thing, as the Senator from Arizona [Mr. ASHURST] pointed out the other day—that is, justice among the people. It has purposes other than making money. It is not in the business of making money. So an organization set up and designed solely for making money cannot properly be considered as parallel to an organization ordained and established to carry on the functions of government.

It is said we should have an independent audit. Haskins & Sells have written a letter on the subject. They are auditors of high standing. They say, "The kind of business we do should be done by the Government," and, in fact, in the part of the bill under consideration the effort is to set up an agency similar to that of the independent audit in corporate affairs.

What does the independent auditor in auditing corporate affairs do? Haskins & Sells and others make reports. What is the purpose of their reports? To state that the books as kept by the corporation are correct or incorrect at the end of the year.

Mr. President, I have here a certificate made by one of the general accountants, and this is what they certify at the end of the year; this is what the independent auditor reports after reciting an examination of the books:

In our opinion, based upon such examination, the accompanying consolidated balance sheet and related consolidated statements of income, earned and paid-in surplus, together with the attached notes relating thereto, fairly present, in accordance with sound principles of accounting consistently maintained by the companies during the year under review, their consolidated position at December 31, 1936, and the results of their consolidated operations for the year ending that date.

Mr. President, that is the standardized form which the independent auditor uses. He says that he has examined the books of the corporation, and that the statement the corporation makes at the end of the fiscal period represents their actual financial situation. He does not attempt to say that the officers of the corporation have spent money which they should not have spent. He does not attempt to check the legality of payments. He merely gives a certificate as to what the status of the corporation is at the close of their fiscal year. We have placed on our desks every morning a statement as to the finances of the Government equivalent to such a certificate. The independent auditor, Haskins & Sells, or others, make reports. Their reports may be accepted or they may be rejected.

The auditor proposed by the pending bill to be selected by Congress is to make an audit. After the facts have happened he is to make a report to the Congress, but the Budget Director, who has the control of the accounts, is not bound by the audit. The bill specifically provides that while the auditor may find fault, his findings are to be without force and without effect. In other words, we are asked to turn away from the Congress the power of correction which the congressional agent, the Comptroller General, now has. We would simply provide for getting information. It is an ex post facto question.

I am interested in whether or not we want to prevent the disregard of the constitutional provision, whether we wish to prevent expenditures in excess of appropriations or expenditures without appropriations, or whether we merely want to find out after the thing has been done that it has been done. Perhaps, while it is well to go to the barn to find out whether the horse has been stolen, I think it is much better to put a lock on the door and see that the horse is not stolen.

It is said that the Comptroller General audits his own accounts, and that such practice is wrong. So we are asked to place these features in two departments. What is the extent of the Comptroller General's audit of his own affairs? The statute gives to the Comptroller General the right to settle accounts against the Government. He does not pay the accounts. He is not a disbursing officer. He sends to the Committees on Appropriations a list of accounts which

he has checked and which he says are due. Then the Committees on Appropriations, and the Congress, following them, can accept the report or not. The Comptroller General does not spend the money; consequently he is not auditing expenditures. We might just as well say that there should be some audit of the adjudications made by the Court of Claims; that is, the Comptroller General in these matters acts in a quasi-judicial capacity, passing upon the merits of claims, so the argument does not persuade me.

I think all Senators are interested in establishing the kind of machinery which will best protect the finances of the Government, whether it is one kind of machinery or another.

In spite of what has been said, I have felt that the Comptroller General's office is highly organized and highly efficient. Every department of the Federal Government is conscious of its efficiency and how highly organized it is. Go to one of them and ask to have some matter taken up, and one of the first answers will be, "Will the Comptroller General approve that?" Every agency of government is conscious of the Comptroller General's activities.

The Comptroller General's office is an agency of Congress. What is proposed under the reorganization bill? The proposal is to disorganize this great agency of the Government, to take away from Congress the agency which is responsible to Congress, and pick out of it only an auditor, a post-auditing auditor, who will check after the money is spent and come to us and say, "This is the state of the Federal accounts." We surrender the right to control the expenditures before they are made. If Congress wishes to do that, it should be for Congress to decide.

As I have said, I am not an auditor; I do not know auditing practices; but I do feel that the proposed change is a thoroughly unsound one. The proposal requires study. Speaking for myself, I will say that I am not familiar with the detailed practices of the Comptroller General's office, but I think that before the Senate of the United States decides to disorganize the present situation it should take time to make a careful study of it. Let us do something other than what has been done. Let us decide if we want to abolish the Comptroller General's office, but let us find out why we should do it. Let us decide if the change is for the benefit of the United States, for the country's financial welfare.

It seems to me it would be a mistake to make this change. There is no urgency about the matter. In this bill we are conferring upon the President the power to rearrange, readjust, consolidate, and segregate agencies. Had we not better allow to function for a time the only agency in the Government which today is familiar with all other Government agencies? Let us establish the new agencies, let us get the new arrangement started, and then we can go back into a consideration and study of the audit and control features of our Government, and by proper legislation make the necessary arrangements.

Mr. President, it is complained that there are defects in the Comptroller General's processes and in the law. It is said the Comptroller General's office does not report to us. We can compel the making of reports. By statute we can provide that reports shall be made. I think the defects in the Comptroller General's office, whatever they may be, had better be corrected by separate statutes rather than by wiping out an office which I have come to regard as one of the great agencies of the Government. Not only that, but, so far as I know, the Comptroller General's office is the only agency of the Federal Government that is saving money for the taxpayers.

The PRESIDENT pro tempore. The time of the Senator from Colorado has expired.

Mr. BYRNES. Mr. President, I yield the remainder of my time to the Senator from Wyoming [Mr. O'MAHONEY].

Mr. O'MAHONEY. Mr. President, the concluding remarks of my good friend, the Senator from Colorado [Mr. ADAMS], illustrate more clearly, I think, than anything else the state of complete misapprehension that seems to obtain with re-

spect to the functions of the Comptroller General and the Comptroller General's office. I confess that when the hearings before the Select Committee on Government Organization began I was laboring under the same misapprehensions. I was laboring under the belief that it is within the power of the Comptroller General to prevent illegal expenditures by the various branches of the Government, and I was amazed, when conducting the examination of the representatives of the Comptroller's office, to find that there is absolutely no mandatory authority in the law which compels any sort of preaudit whatsoever. The preaudit is a purely voluntary function performed by the Comptroller General only when he is asked to do so by one of the disbursing officers.

As I have said, I questioned the principal officer representing the Comptroller General's office before the committee one morning with respect to this particular phase of the controversy. I am sure it will be of interest to the Members of the Senate if I read what occurred in connection with the point under discussion. Mr. Denit was on the stand. He said:

There are very decided advantages, both from the standpoint of economy and from the standpoint of efficient administration. For example—

I interrupted him to ask:

Let me say this, to explain what I have in mind:

It appears to me from the law that there are two sets of advance decisions. First, the advance decision upon particular vouchers which you call the preaudit.

Mr. DENIT. Yes, sir.

Senator O'MAHONEY. And, secondly, the advance decision which is handed down at the request of the head of a department or of a bureau as to the legality of a particular type of expenditure.

Mr. DENIT. Yes, sir.

I asked:

Both of these are purely voluntary?

Mr. DENIT. That is right.

Senator O'MAHONEY. And, as I understand it, they have developed largely because of the desire on the part of disbursing officers, in the case of the preaudit, to protect themselves on the actual outlay of funds, and, secondly, upon the part of the head of executive bureaus from a desire to determine in advance whether a particular expenditure has been authorized by law?

Mr. DENIT. Yes, sir.

Senator O'MAHONEY. And will be eventually approved and allowed, when it comes to your office?

Mr. DENIT. Yes, sir; but I might amplify that statement to this extent:

The preaudit would be, from the standpoint of the disbursing officer, to protect himself against the payment of an amount which may later be charged back against his bond; and, also, from the standpoint of an administrative officer, cooperating with a disbursing officer, to secure to the disbursing officer that degree of protection. That is a preaudit.

The advance decision matter which you mentioned is not in any sense a preaudit action and should not be confused in the discussion of this matter of preaudit.

Senator O'MAHONEY. That is my understanding.

Then skipping a few lines, dealing with interest, Mr. Denit said:

I had in mind how you could determine that there would be real economies in the matter of the preaudit. This interest rate which you used would have the effect of increasing or decreasing the estimated saving.

I interjected:

That is not in this bill, and that is not in the present law?

Mr. DENIT. What?

Senator O'MAHONEY. To require preaudit.

Mr. DENIT. No; I only brought that out, Senator, for the reason that the question has been asked here on several occasions as to whether the General Accounting Office has undertaken to extend the preaudit. I wanted to show that while there are, in the judgment of some of us, good grounds for extending the preaudit, we have not undertaken to do so.

Then I said:

I think I understand your position to be this: You personally believe that the preaudit for all expenditures would be a desirable thing and would save the Government money in the end?

Mr. DENIT. If it could be accomplished economically.

Senator O'MAHONEY. If it could be accomplished economically, but there is no law now making it mandatory upon all the departments?

Mr. DENIT. That is correct.

Senator O'MAHONEY. And there is nothing in this bill which affects it?

Mr. DENIT. That is correct.

Mr. BAILEY. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. BAILEY. The Senator will agree, however, that the law does impose upon the Comptroller General the duty of signing the vouchers before the transfer of funds, and then it is also the duty and the right of the Comptroller General to suspend items?

Mr. O'MAHONEY. It depends upon what the Senator means by a voucher. That is another source of misapprehension. The Comptroller General does not countersign the vouchers by which the money is paid out.

Mr. BAILEY. No; but he signs the original voucher transferring the funds.

Mr. O'MAHONEY. Let me read from the hearings.

Mr. BAILEY. I want to get it clearly in the RECORD. The Comptroller General does pass upon the transfer of funds.

Mr. O'MAHONEY. He passes upon the setting up of the appropriation warrants.

Mr. BAILEY. That is correct.

Mr. O'MAHONEY. Let me read from the committee hearings.

Mr. BAILEY. Let us get this clear in the RECORD.

Mr. O'MAHONEY. The Senator knows that my time is limited and that he is taking some of my time.

Mr. BAILEY. It is not my intention to take the time of the Senator, but I am sure the Senator wants this in the RECORD, because it is in the statute.

Mr. O'MAHONEY. Very good.

Mr. BAILEY. The Comptroller General has the power to suspend items.

Mr. O'MAHONEY. I will read it.

Mr. BAILEY. That is in the statute.

Mr. O'MAHONEY. Yes, but in this colloquy which took place—my eye does not alight upon it at the moment—it was testified by Mr. Denit that that does not save a penny. It is merely a question of setting up an account against a disbursing officer's bond.

Mr. BAILEY. I will not interrupt the Senator any further if he will let me complete the statement. The object is not to save a penny. The object is to control the expenditure with a view to seeing that it is lawful, and that is a saving.

Mr. O'MAHONEY. Of course, that is provided for in the pending bill, but under a different method.

The Senator from Virginia [Mr. BYRD] interjected in the course of this colloquy and said:

Let us take a concrete illustration. Here is a department which is trying to spend an appropriation not in accordance with law. How do you compel that department not to expend it that way and to protect the Government? What is the machinery which enables you to do that?

Mr. DENIT. That is a rather hypothetical case.

Senator O'MAHONEY. You do not find cases of that kind very often, do you?

Mr. DENIT. No.

The truth of the matter is that there is merely a dispute as to whether or not there should be a division between the functions of control and audit. The Reorganization Committee had the benefit of recommendations from two different sets of experts. The Brookings Institution constituted one set of experts. The Brownlow committee constituted the other set of experts. The two sets of experts made contrary recommendations. The interesting point to me, in studying previous recommendations made by the Brookings Institution, was the discovery that for the State of Alabama and for the State of Mississippi the Brookings Institution recommended the exact program which is written into this bill. I think that fact is of value in the RECORD.

I now quote from the report of the Brookings Institution made to the State of Alabama in 1932:

The only subdivision of this service—

Meaning the executive service—

needing special comment is that of the office of comptroller. In Alabama, and the same is true in most of the States, great confusion has resulted through the failure to distinguish clearly between the functions of a comptroller and an auditor. The general tendency has been to impose the duties of both upon a single officer, usually known as an auditor. The primary functions of a comptroller are, as his title indicates, that of controlling the covering of money into the treasury and the issue of money therefrom, the settlement of all claims, the keeping of the central accounts, the rendering of annual and other financial reports and, generally, of exercising that central control over the administration of the financial affairs of the government that is essential if such operations are to be properly performed.

I ask unanimous consent, Mr. President, to insert in the RECORD at this point the remainder of the quotation which I have read in part. The quotation will, I think, demonstrate rather clearly that the functions of a comptroller are essentially executive, and the functions of an auditor are essentially legislative. The bill which has been reported makes this distinction. The auditor general is empowered to carry on a concurrent audit of every expenditure. In my opinion, the proposed system will protect Government expenditures more thoroughly than the system now in existence.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

If the Governor is in fact, as well as in principle, to discharge the duties of a general manager, it is essential that he be given facilities and an agency through which he can meet his responsibilities. It is for this reason that the suggestion is made that, in reorganizing the administrative branch, provision be made for a department which is designated the executive department. In this department are grouped those services for the direction of which the Governor will have immediate responsibility in respect to the Government as a business organization. In this department much the most important subordinate unit will be the one designated "Service of general administration," which service will include subdivisions having charge of such purely institutional activities as the settlement of claims, the keeping of accounts and rendition of reports, the preparation of the budget, the exercise of accounting control over the spending services, the recruitment and administration of other matters pertaining to personnel, purchasing and contracting, and the like. The head of this service will be the business manager of the State government through whom the Governor as general manager will discharge his duties.

The only subdivision of this service needing special comment is that of the office of comptroller. In Alabama—and the same is true in most of the States—great confusion has resulted through the failure to distinguish clearly between the functions of a comptroller and an auditor. The general tendency has been to impose the duties of both upon a single officer, usually known as an auditor. The primary functions of a comptroller are, as his title indicates, that of controlling the covering of money into the treasury and the issue of money therefrom, the settlement of all claims, the keeping of the central accounts, the rendering of annual and other financial reports, and, generally, of exercising that central control over the administration of the financial affairs of the government that is essential if such operations are to be properly performed. The comptroller thus is, or should be, the chief financial officer of the administrative branch of the government. He should be, in effect, the right-hand man of the Governor in respect to all matters of financial administration. As such, he should be appointed by and hold office at the will of the Governor.

The duties of the auditor are those of reviewing all financial transactions for the purpose of determining that all requirements by the legislature in respect to the collection, custody, and disbursement of public funds have been duly complied with, and that all officers having the collection, custody, or disbursement of public funds can faithfully account for all money coming into, or that should come into, their possession. As such, the auditor should be an agency of the fund-raising and fund-granting authority, the legislature, and it is to this officer that the legislature should look for means of assuring itself, not only that its directions have been complied with by the administration, including the Governor himself, but that the administration in performing its duties has done so with due regard to efficiency and economy in the collection, care, and disbursement of public funds.

In suggesting the creation of an office of State comptroller, as a subordinate unit of the service of general administration, it is contemplated that the duties entrusted to this officer shall be solely those of a comptroller. On the other hand, this proposal carries with it the restriction of the duties of the State auditor to those of an auditor, strictly speaking, as above defined.

STATE AUDITOR

Ex-officio duties of State auditor: The State auditor should be relieved of all of his ex-officio duties in order that he may not be

embarrassed by having to audit organization units in which he holds membership or over which he exercises administrative direction.

Transfer of accounting duties of State auditor to proposed bureau of central accounting and reporting: The State auditor should be relieved of all accounting duties, including the settlement of all claims and the drawing of all State warrants on the State treasurer, in order that he and his auditing staff may devote their entire efforts to making a real audit of all State departments, boards, institutions, and agencies.

The State auditor should have no administrative duties. He should be independent, not a part, of the administrative branch in order that he may feel free to call the legislature's attention to all violations of law and administrative regulations, and to all instances wherein, in his opinion, the administrative staff has failed to conform to law and regulations, has been guilty of extravagances, or has failed to discharge their duties in an economical manner.

If these recommendations are accepted, the State auditor will be, in fact, an arm of the legislature, an independent representative of the people, with the power to review the actions of the administration and to report his findings to the legislature in his regular annual and biennial reports or in special reports, should these be necessary.

Distinction between the functions of auditor and comptroller: The function of an auditor is one pertaining to the legislative branch. The auditor should be wholly independent of the executive or administrative officer whose acts it is his function to review. This independence is secured by either his popular election, or, as in some States, by his appointment by the legislature.

Properly, the duties of the auditor should be three: First, he should examine past transactions. The accounts and reports of all persons or agencies having the receipt, custody, or disbursement of public moneys should be examined to insure proper accountability or fidelity. Second, the transactions of public funds that have been expended, have been received, or that should be examined in respect to the question of legality. Third, the auditor should report the result of such examinations to the legislature, which is the branch of the government acting as a check upon the executive and administrative branches.

The functions of a comptroller, on the other hand, are the ordering of moneys to be covered into the State treasury, the issuance of pay warrants to issue money therefrom, the settlement of all claims, and, as an incident to this, keeping the central accounts of the State, prescribing the branch accounting systems to be maintained by the departments and institutions, the rendering of annual and other financial reports; and as herein recommended, acting for the Governor in the drafting of the budget document to be submitted by the latter to the legislature. These involve purely administrative duties.

Mr. BYRD. Mr. President, I yield the balance of my time to the Senator from Nebraska [Mr. BURKE].

Mr. BURKE. Mr. President, the proposal to abolish the General Accounting Office and the office of Comptroller General must stand upon its own feet. If it is a good thing to do, then title III, which accomplishes that purpose, ought not to be weakened by any of the other provisions of the bill. On the other hand, if any Senator favors the continuance of an independent Comptroller General, but is inclined to support the bill as a whole because he likes some of its provisions, that Senator, it seems to me, should reconsider his position.

If a Senator believes that the President ought to have six administrative assistants, and, because he finds such a provision in this bill, he is of a mind to support the bill as a whole, let him look at it in the following light:

Title V of the bill, section 502, recognizes the great burden resting upon the occupant of the White House and authorizes him to appoint six administrative assistants at salaries of not to exceed \$10,000 each per year. That is all very well. Any Senator who believes in such a provision can support it just as fully after he has voted to continue the office of an independent Comptroller General and the General Accounting Office as if he were to take a different position in the matter.

So, Mr. President, we should consider each of the other features of the bill. There are those who believe that the Civil Service Commission idea has not worked out so well and that it would be better to have a single administrator to handle the functions of that office.

I do not share that view, but the point I make is that the bill now contains a provision to set up a single civil-service administrator. Any Member of this body can go

down the line in support of that provision of the bill just as fully and effectively after he has voted to uphold the Byrd amendment now pending as if he took a different position thereon.

I shall not go into the other parts of the pending bill. The principle which I have stated applies to them all. Any Senator can support the pending amendment and then go forward in support of the rest of the bill in which he really believes. My plea is that we should not let the country down by destroying the office of an independent Comptroller General. I am satisfied that the overwhelming majority of the people do not want such a thing done. They are saying to us today, "Save this legislative arm and do not amputate it." If there has been a failure on the part of the Comptroller General promptly to submit such complete reports as Congress may desire, the correction of that situation is a very simple matter. We surely do not need to abolish the office in order to make such necessary correction.

The purpose of the pending amendment is simply to retain in full force the 1921 act, which Congress passed after the most careful study and debate. It seems to me it would be a very serious thing for the Members of the present Congress to declare that system, so carefully worked out less than 20 years ago, to be a complete failure. Certainly we ought not to do so without the most painstaking consideration of all the questions involved.

Mr. O'MAHONEY. Mr. President, will the Senator yield for just a moment?

Mr. BURKE. I yield.

Mr. O'MAHONEY. By reason of my yielding to the distinguished Senator from North Carolina [Mr. BAILEY], I was unable to complete my remarks. In connection with what the Senator is now saying, I think it might be well for me to interrupt long enough to quote a section from the present law, which will, I think, tend to clear up the existing uncertainty.

Mr. BURKE. Will the Senator keep his eye on the clock?

Mr. O'MAHONEY. Certainly. I read section 78, title 31, of the United States Code:

Should there be any delinquency in this regard at the time of the receipt by the General Accounting Office of a requisition for an advance of money—

That is the kind of warrant upon which the Comptroller General passes—

said office shall disapprove the requisition, which said office may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the General Accounting Office's decision as to the sufficiency of these latter reasons.

I thank the Senator.

Mr. BURKE. Mr. President, the main question at issue is, Does the legislative control of public moneys end when the act of appropriating those funds has been completed, or does the duty of Congress to control the public moneys continue until those funds have been completely expended? Every Member of the Senate must realize the strength of the Executive determination to confine the control of Congress to the actual appropriation of the money.

I called attention yesterday to the recommendation of the President's own committee in favor of lump-sum appropriations. The President heartily endorsed the conclusions of his committee. He called them reasonable and adequate.

The defeat of the pending amendment, followed by the passage of the bill, will mean that we shall have taken a long step away from legislative control over the spending of public moneys. By the same token, it will be a long step in the direction of complete Executive domination of spending. A vote against the pending amendment is a vote to strip Congress of a power and responsibility placed squarely upon its shoulders by the Constitution.

In 1921 this body joined with the House in recognizing the obligation of Congress to see that every dollar which is appropriated shall be spent in strict accordance with the legislative will. It was for that purpose that Congress created

the office of an independent Comptroller General, who was to serve as the agent of Congress to prevent every spending agency from disbursing public funds in any other manner than that directed by Congress. Such a system is not in any sense an encroachment upon the prerogatives of the Executive. It is not an interference with any of the authorized activities of the executive department, for the Executive has no lawful right to do more than to take the funds made available by Congress and spend them in the manner specified by Congress in prosecuting the projects which Congress has authorized. The only right retained by Congress after it has made an appropriation is to see that such funds are not spent in the prosecution of projects unauthorized by law. The Congress performs that duty through its own agent, the Comptroller General. The legal use of appropriated funds can never be disapproved by the Comptroller General. It matters not that he may consider the expenditure to be against the public interest; if Congress has authorized the expenditure, the Executive is free to proceed to make it.

One of the most important restrictions on the authority of any officer of the Government is that found in article I, section 9, clause 7 of the Constitution, which reads:

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

The provision of the Constitution which I have just read is a specific restraint upon the spending agencies; and Congress alone has the power and the duty of providing by statute such governmental machinery as it deems necessary and proper to enforce that restraint. Congress took such action in setting up the office of Comptroller General. The present Congress has power, of course, to abolish the office if it sees fit, and thus completely remove the vitally necessary check upon the expenditures of public funds.

If such action is taken, let no one think for a moment that the people of the country will approve it. Every sensible person ought to know that the removal of restrictions upon the free spending of public moneys will be deplored and resented by the entire country. Those responsible for taking such action will be called to account, and rightly so. Nor will much weight be given to the hollow excuse that in removing the restrictions upon unrestrained spending there was set up a weak substitute in the nature of a report to be made after the money is gone.

It may be said that such restraint should be exercised by the courts rather than by Congress. I invite attention to the fact that the Comptroller General is recognized as a quasi-judicial officer. Control exercised by such an officer directly responsible to Congress is a much more practical control than could be exercised if the question were left solely to the courts.

One other function of the General Accounting Office which has been severely criticized by those who have set out to abolish the office is the adjustment and settlement of claims and demands by and against the United States. It is a part of the legislative power "to pay the debts of the United States."

The exercise of that function by the Congress through the legislative arm which we call the General Accounting Office consists of the collection of evidence in the form of written statements, letters, briefs, and other documents, both from the claimant and from the Government agency involved, and also from the permanent files of the General Accounting Office. The claims are first subjected to an administrative examination and audit in the executive department or agency in which they arise, and are then submitted to the General Accounting Office for final examination and settlement. Hearings are held, the evidence and the law examined, and a certificate of settlement of the claim is issued. In the exercise of such functions the General Accounting Office performs a quasi-judicial function.

The duties of the General Accounting Office and the Comptroller General are varied and important. With the enormous increase in public spending, it is of greater consequence

now than ever before that Congress retain the established checks and restraints upon unrestricted action by the spending agencies. There is only one way to do that, only one way to satisfy the country that Congress is alive to its duties and obligations, and that is by supporting the pending amendment.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, under the order entered yesterday, the Senate will proceed to vote on the pending amendment.

Mr. BYRNES. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hughes	Pittman
Ashurst	Davis	Johnson, Calif.	Pope
Austin	Dieterich	Johnson, Colo.	Radcliffe
Bailey	Donahay	King	Reames
Bankhead	Duffy	La Follette	Reynolds
Barkley	Ellender	Lee	Schwartz
Berry	Frazier	Lodge	Schwellenbach
Bilbo	George	Logan	Sheppard
Bone	Gerry	Loneragan	Shipstead
Borah	Gibson	Lundeen	Smathers
Bridges	Gillette	McAdoo	Smith
Brown, Mich.	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Tydings
Burke	Harrison	Miller	Vandenberg
Byrd	Hatch	Milton	Wagner
Byrnes	Hayden	Minton	Walsh
Capper	Herring	Neely	Wheeler
Caraway	Hill	Norris	
Clark	Hitchcock	O'Mahoney	
Connally	Holt	Overton	

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

Mr. BYRD. Mr. President, I ask unanimous consent that all the amendments I have offered to this section of the bill be considered as a whole and voted upon at one time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The amendment submitted by Mr. BYRD on behalf of himself, Mr. BAILEY, and Mr. BURKE is as follows:

On page 3, lines 16 and 17, strike out "General Auditing Office" and insert "General Accounting Office."

On page 3, lines 21 and 22, strike out "General Auditing Office" and insert "General Accounting Office."

On page 4, line 1, strike out "General Auditing Office" and insert "General Accounting Office."

On page 4, line 9, beginning with the semicolon, strike out "; or (7) to abolish or to transfer to any other agency, the functions of audit and settlement vested in the Bureau of the Budget by section 301 of this act."

On page 5, line 10, strike out "III."

On page 5, line 10, strike out "or title III."

On page 17, lines 8 and 9, strike out "the General Auditing Office."

On page 25, line 12, strike out all down to and including line 9 on page 34, in the following words:

"TRANSFER OF ACCOUNTING FUNCTIONS

"SEC. 301. (a) The General Accounting Office and the offices of Comptroller General and Assistant Comptroller General are hereby abolished, and all functions relating to any agency of the Government vested in the General Accounting Office, the Comptroller General, and the Assistant Comptroller General by law in force on the date of enactment of this act (including the function of determining the availability of appropriations), except functions vested in the General Auditing Office by this act, are hereby vested in the Bureau of the Budget and the Director of such Bureau. Nothing in this section shall be construed to authorize the Bureau of the Budget to exercise any functions vested in the General Auditing Office by this act or to direct the manner in which such functions shall be exercised.

"(b) The Attorney General of the United States shall render an opinion with respect to the jurisdiction of the Director of the Bureau of the Budget in connection with the settlement of any public account or any claim or demand against the United States, upon request therefor, within 60 days after receipt of notice of such settlement, by the said Director or the head of the executive department, independent establishment, or independent agency concerned, and any such opinion of the Attorney General shall be final and conclusive upon the said Director and all other officers and agencies of the Government.

"(c) The records, property (including office equipment), personnel, and unexpended balances of appropriations of the General Accounting Office shall be transferred to the General Auditing Office and the Bureau of the Budget upon the effective date of this section as the President shall prescribe by Executive order.

"(d) The Director of the Bureau of the Budget, with the approval of the President, shall make such rules and regulations as may be necessary to carry out the functions vested in him by this section.

"(e) Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 2), is amended by inserting after the word "including" the words "any independent establishment as defined in section 5 of the Reorganization Act of 1937 and".

"(f) The first two sentences of section 207 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 16), are amended to read as follows: "There is hereby created an independent agency to be known as the Bureau of the Budget. There shall be in the Bureau a Director and an Assistant Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$10,000 a year. The Director shall appoint the Assistant Director, subject to the civil-service laws, and his salary shall be fixed in accordance with the Classification Act of 1923, as amended."

"GENERAL AUDITING OFFICE"

"SEC. 302. (a) There is hereby established a General Auditing Office which shall be an agency of the Congress and independent of the executive branch of the Government and shall be under the direction and control of an Auditor General. The powers granted to the Auditor General and the General Auditing Office by this act shall be exercised for the purpose of aiding the Congress in obtaining information to be used as a basis for legislation, or for such other action as the Congress may deem necessary and proper.

"(b) The Auditor General and an Assistant Auditor General shall be appointed by the Joint Committee on Public Accounts established by section 307 of this act. The Auditor General shall receive a salary at the rate of \$10,000 per annum, and the salary of the Assistant Auditor General shall be fixed in accordance with the Classification Act of 1923, as amended. The Assistant Auditor General shall perform such functions as the Auditor General may prescribe, and shall act as Auditor General in the absence of the Auditor General or in the event of a vacancy in that office.

"(c) Except as hereinafter provided in this subsection, the Auditor General and the Assistant Auditor General shall hold office for 15 years. The Auditor General shall not be eligible for reappointment. The Auditor General or the Assistant Auditor General may be removed at any time by concurrent resolution of the Congress after notice and hearing, when, in the judgment of the Congress, the Auditor General or the Assistant Auditor General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude. Any Auditor General or Assistant Auditor General removed in the manner herein provided shall be ineligible for reappointment to that office. When an Auditor General or Assistant Auditor General attains the age of 70 years he shall be retired from his office.

"SEC. 303. (a) The Auditor General shall make an audit of the receipts, expenditures, money, securities, and funds of the Government (including any corporation a majority of the stock of which is owned by the United States and any nonstock, nonprofit corporation organized by the United States or any agency thereof, of which no member of the board of directors is elected or appointed by private interests), and shall make a complete annual report to the Congress not later than March 1 of each year with respect to such audit made during the preceding fiscal year. Such report shall be made as nearly as practicable in accordance with accepted principles of auditing and shall contain all necessary memoranda and tables together with an appropriate certificate of audit and such comments as may be pertinent to the subject matter of the audit.

"(b) Claims and demands against the United States shall be audited by the General Auditing Office promptly after payment, but prior to final settlement of the disbursing officers' accounts. Each such audit shall be conducted as nearly as practicable in the vicinity of disbursing offices of the United States in the District of Columbia and elsewhere.

"(c) Claims which the Director of the Bureau of the Budget is authorized by law to adjust and settle prior to payment shall be audited by the General Auditing Office after payment, and the certificates of settlement in such cases shall be accompanied by a certificate of the administrative officer, if any, having jurisdiction over the appropriation involved in the settlement, setting forth his recommendations thereon.

"(d) The disbursing officers of agencies of the Government shall transmit daily to the General Auditing Office copies of all checks, and the vouchers, pay rolls, and other documents relating to expenditures made by them, but in any case in which such daily transmission is not practicable, then transmission shall be made at such time or times as the Director of the Bureau of the Budget shall prescribe. Whenever the General Auditing Office takes exception to any item of disbursement, notice thereof shall be immediately given by the General Auditing Office to the disbursing officer concerned and to the Director of the Bureau of the Budget, together with a statement of the reasons for such exception, and a report concerning such exception may, in the discretion of the Auditor General, be made to the Congress. All such exceptions shall be taken into consideration by the Director of the Bureau of the Budget in settling the accounts of disbursing officers. At the time such notice is given to the disbursing officer, or immediately after audit when no exceptions are taken, the General

Auditing Office shall return the original documents transmitted to it by the disbursing officer.

"(e) On and after the effective date of this section, the periodic accounts which disbursing and collecting officers of agencies of the Government are required by law to render shall be transmitted by them to the Director of the Bureau of the Budget for settlement, and the periodic accounts which disbursing and collecting officers within the legislative branch of the Government and of the United States Supreme Court are required by law to render shall be transmitted to the Auditor General for settlement.

"(f) The Director of the Bureau of the Budget is authorized to transmit the accounts of disbursing and collecting officers to the agency concerned for administrative examination upon a showing by such agency, satisfactory to the Director of the Bureau of the Budget, that the public interest requires such an examination, and the Director of the Bureau of the Budget may provide by regulations for such examination in the District of Columbia or elsewhere.

"(g) The Director of the Bureau of the Budget shall furnish promptly to the General Auditing Office copies of all certificates issued by him in settlement of accountable officers' accounts, and the General Auditing Office shall examine the copies of such certificates of settlement. The Auditor General shall report promptly to the said Director and to the Congress all public accounts deemed by him to have been improperly settled by the said Director; but no such report shall be made to the Congress with respect to any disagreement between the General Auditing Office and the said Director until the expiration of 30 days after the said Director has been notified of such disagreement, and no such report shall be made to the Congress if the said Director revises his decision in accordance with the views of the General Auditing Office.

"(h) The Auditor General shall also report to the Director of the Bureau of the Budget and to the Congress any of the following matters which come to his attention in the course of his audit:

(1) Any expenditure of public funds which he deems to have been unwisely or improvidently made by or under the authority of the head of any agency of the Government, and (2) any procedures which he deems to be inadequate for full protection against loss of revenue.

"(i) The Auditor General shall make such investigations and reports as shall be requested by either House of Congress, or by the Joint Committee on Public Accounts, or by any other committee of either House having jurisdiction over expenditures, appropriations, or revenue; and the Auditor General shall furnish any such committee such aid and information as it may request.

"(j) All reports required by this section to be made to the Congress shall be made to the Joint Committee on Public Accounts when the Congress is not in session.

"(k) The Auditor General shall have authority to prescribe the manner in which public accounts and information accompanying such public accounts shall be submitted to him for audit.

"SEC. 304. The Auditor General, or any officer or employee of the General Auditing Office when duly authorized by him, shall, to the extent necessary to perform the functions vested in the General Auditing Office, have access to and the right to examine any books, documents, papers, or records of the Bureau of the Budget or of any other agency of the Government; but nothing in this section shall be construed to repeal or modify the provisions of section 291 of the Revised Statutes (U. S. C., 1934 ed., title 31, sec. 107), or any other provisions of law expressly restricting the audit of expenditures or receipts.

"SEC. 305. (a) The Auditor General is authorized, subject to the civil-service laws, to appoint such officers and employees as he deems necessary to enable the General Auditing Office to exercise the functions vested in it by law; and the compensation of all such officers and employees shall be fixed in accordance with the Classification Act of 1923, as amended.

"(b) The Auditor General is authorized to delegate to any officer or employee of the General Auditing Office any functions vested in the General Auditing Office by law.

"(c) The Auditor General is authorized to adopt an official seal for the General Auditing Office, and judicial notice shall be taken of such seal.

"(d) The Auditor General is authorized to prescribe such rules and regulations as may be necessary to carry out the functions vested in the General Auditing Office by this title.

"SEC. 306. The General Auditing Office shall not exercise any functions except those vested in it by this title, and nothing contained in this title shall be construed to authorize the General Auditing Office to revise the settlements of public accounts made by the Bureau of the Budget, or to direct the manner in which the functions vested in the Bureau of the Budget by this title shall be exercised."

And in lieu thereof insert:

"SEC. 301. (a) The head of any agency, or any disbursing officer, may apply for and the Comptroller General of the United States shall render his decision upon any question involving any payment by them or under them, which decision, when rendered, shall be final and conclusive upon the executive branch of the Government. The head of any such agency requesting such decision may obtain a review of any such decision by filing a petition for review within 30 days after the mailing to him of notice of such decision, in the United States Court of Claims. A copy of such petition shall be served forthwith upon the Comptroller General, who shall thereupon file in such court a copy of the letter requesting such decision, together with a copy of such decision. Upon such filing the court

shall have jurisdiction of the proceeding and of the question determined in such decision and shall have power to enter a decree affirming, modifying, or reversing the decision of the Comptroller General, which decree shall be final and conclusive. Such court shall not have jurisdiction in any such proceeding to enter a decree with respect to any question not determined in the decision under review. The Comptroller General and the head of any such agency filing any such petition for review are authorized to be represented by their own attorneys in such court in any proceeding arising under the provisions of this section. Any such proceeding shall be given precedence over all other proceedings in such court not of a like nature. The petitions and other papers (including briefs) filed with or submitted to the court in any such proceeding shall be typewritten, but the court may, by special order in exceptional cases, require such papers to be printed. Such court shall have power to prescribe rules of practice and procedure with respect to the filing of such petitions for review and the conduct of the proceedings on review.

"(b) The sixth paragraph of section 8 of the act of July 31, 1894 (28 Stat. 208), as amended, is hereby repealed."

On page 34, line 11, strike out "307" and insert "302."

On page 36, lines 8, 9, and 10, strike out "and to the joint committee by the auditor general as provided in section 303" and insert in lieu thereof "by the Comptroller General."

On page 43, strike out subsection (b) of section 505 and insert in lieu thereof the following:

"(b) Section 301 shall become effective upon the expiration of 90 days after the date of enactment of this act."

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Virginia [Mr. BYRD] on behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

Mr. BYRD. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BULOW (when his name was called). On this vote I have a pair with the junior Senator from Georgia [Mr. RUSSELL], who is necessarily absent. I therefore withhold my vote.

Mr. FRAZIER (when Mr. NYE's name was called). My colleague the junior Senator from North Dakota [Mr. NYE] on this question is paired with the junior Senator from Montana [Mr. MURRAY]. If my colleague were present, he would vote "yea," and if present the Senator from Montana would vote "nay."

Mr. WAGNER (when his name was called). On this vote I am paired with the senior Senator from Indiana [Mr. VAN NUYS], and therefore withhold my vote.

Mr. HALE (when Mr. WHITE's name was called). On this vote my colleague the junior Senator from Maine [Mr. WHITE] is paired with the junior Senator from Florida [Mr. PEPPER]. If present and voting, my colleague would vote "yea," and the Senator from Florida would vote "nay."

The roll call was concluded.

Mr. MINTON. I am authorized to announce that on this vote the senior Senator from Florida [Mr. ANDREWS] is paired with the junior Senator from Missouri [Mr. TRUMAN] and the junior Senator from Nevada [Mr. MCCARRAN] is paired with the senior Senator from Illinois [Mr. LEWIS]. If the Senator from Nevada were present, he would vote "nay," and the Senator from Illinois, if present, would vote "nay."

I further announce that the Senator from Nevada [Mr. MCCARRAN] and the Senator from Georgia [Mr. RUSSELL] are absent in their respective States on official business; and that the Senator from Florida [Mr. ANDREWS], the Senator from Illinois [Mr. LEWIS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Indiana [Mr. VAN NUYS] are absent on public business.

The result was announced—yeas 36, nays 47, as follows:

YEAS—36

Adams	Connally	Glass	Maloney
Austin	Copeland	Hale	Miller
Bailey	Davis	Holt	Pittman
Borah	Donahay	Johnson, Calif.	Shipstead
Bridges	Frazier	Johnson, Colo.	Townsend
Burke	George	King	Tydings
Byrd	Gerry	Lodge	Vandenberg
Capper	Gibson	Loneragan	Walsh
Clark	Gillette	McNary	Wheeler

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NAYS—47

Ashurst	Duffy	Lee	Pope
Bankhead	Ellender	Logan	Radcliffe
Barkley	Green	Lundeen	Reames
Berry	Guffey	McAdoo	Reynolds
Bilbo	Harrison	McGill	Schwartz
Bone	Hatch	McKellar	Schwellenbach
Brown, Mich.	Hayden	Milton	Sheppard
Brown, N. H.	Herring	Minton	Smathers
Bulkeley	Hill	Neely	Smith
Byrnes	Hitchcock	Norris	Thomas, Okla.
Caraway	Hughes	O'Mahoney	Thomas, Utah
Dieterich	La Follette	Overton	

NOT VOTING—13

Andrews	McCarran	Pepper	Van Nuys
Bulow	Murray	Russell	Wagner
Chavez	Nye	Truman	White
Lewis			

So the amendment offered by Mr. BYRD on behalf of himself, Mr. BAILEY, and Mr. BURKE was rejected.

Mr. BULKLEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On pages 39 to 42, commencing with line 17 on page 39, it is proposed to strike out all down to and including line 11 on page 42; and on page 44, commencing with line 1, it is proposed to strike out all down to and including line 4, in the following words:

NATIONAL RESOURCES PLANNING BOARD

Sec. 402. (a) There is hereby established in the executive branch of the Government a National Resources Planning Board (hereinafter referred to as the "Board") which shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. At least two of the members of the Board shall be citizens and residents of States west of the Mississippi River. One of the members of the Board shall be designated by the President as chairman, and one of such members shall be designated by the President as vice chairman. The vice chairman shall act as chairman in the absence of the chairman or in the event of a vacancy in that office. The members of the Board shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions of the Board, plus the actual cost of transportation: *Provided*, That in no case shall a member be entitled to receive compensation for more than 30 days' service in any 2 consecutive months.

(b) The Board shall cause a seal of office to be made for such Board, of such device as the President shall approve, and judicial notice shall be taken of such seal.

(c) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstanding vacancies.

Sec. 403. The Board is authorized to—

(1) Investigate, examine, study, analyze, assemble, and coordinate and periodically to review and revise basic information and materials appropriate to plans or planning policies for the development and utilization of the resources of the Nation, both natural and human, and, on the basis thereof, to initiate and propose in an advisory capacity such plans and planning policies;

(2) To obtain data and reports from, to cooperate and participate in the work of, and to consult with, any agencies of the Federal Government and of any State, Territory, or possession of the United States (including the Philippine Islands), or political subdivisions thereof, as well as any public planning or research agencies and institutions; and

(3) Prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act for presentation to the President or upon the request of the President.

Sec. 404. (a) The Board is authorized, without regard to the civil-service laws, to appoint a director, and, subject to the civil-service laws, to appoint such other officers and employees as may be necessary to carry out its functions. The compensation of the director and such other officers and employees shall be fixed in accordance with the Classification Act of 1923, as amended.

(b) The Board shall prepare and submit annually to the President a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendations concerning matters within its jurisdiction as the Board may deem advisable.

(c) The Board is authorized to delegate to the director or to any other officer or employee of the Board any functions vested in the Board by law.

(d) The Board is authorized to prescribe such rules and regulations as may be necessary to carry out its functions.

Sec. 405. The National Resources Committee, established by Executive Order No. 7065 of June 7, 1935, is hereby abolished, and the records, property (including office equipment), and personnel of such Committee, and the unexpended balances of funds available for expenditure by such Committee, shall be transferred to the Board.

(c) Section 405 shall become effective when a majority of the members of the National Resources Planning Board first appointed under the provisions of section 402 take office.

Mr. BULKLEY. Mr. President, this amendment proposes to strike from the bill the provisions establishing a National Resources Planning Board.

This section ought to be stricken from the bill, because, although it proposes very important legislation and proposes to set up a board having very wide scope and authority, it has not been adequately considered by the committee which reported it. The proposal has not had hearings worthy of the name. To pass important legislation of this character without adequate consideration is sure to be bad legislative practice.

Let me call attention first to the fact that if my amendment is adopted, the National Resources Planning Board, which is already in existence under Executive order, would not be swept out of existence. It would continue under the same authority under which it now exists; and if, after proper consideration, the Congress desires to give it a legislative authority to continue, that may be considered in due course.

I have set down more specific reasons why this provision is objectionable.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BULKLEY. I yield to the Senator from Louisiana.

Mr. OVERTON. Does the Senator's amendment eliminate all of the provisions of the bill with reference to the National Resources Planning Board?

Mr. BULKLEY. Yes; it would eliminate all provisions carried in the bill on that subject.

The provisions of the Government reorganization bill to set up a National Resources Planning Board would make permanent the present National Resources Committee, which, in turn, is a continuation of the original National Planning Board. The provisions in the present bill are substantially the same as those in the bill for a National Planning Board, introduced by the senior Senator from New York [Mr. COPELAND] in May 1935. That bill was reported, stood on the calendar of the Senate, and was never even called up for consideration.

As stated in the Board's own report, its functions would cover—

(1) Natural resources and the planning of public works: This covers land, minerals, fuels, water, and other natural resources, in addition to the planning of public works.

(2) Sociological planning: This covers population distribution, trends and movements, welfare, education, old age, unemployment, recreation, and so forth.

(3) Governmental planning: This covers budgetary methods and control, reorganization of local, metropolitan, and State units, and so forth. Imagine a Federal board going out to tell local and metropolitan and State units how to reorganize.

(4) General economic planning: This covers balancing production and consumption, banking, currency and credit, control of overproduction, taxation, price control, fair competition, and all the various other problems covered in the general economic field. If this section is to be retained in the bill at all, it should at least be amended to make the Board a natural resources board, for the following reasons:

First. The jurisdiction of the Board under the bill as it now stands is far too broad. Indeed, it is almost ridiculously so. The amendment restricting the jurisdiction of the Board to the first of the four groups already mentioned—to wit, natural resources and the planning of public works—would keep it within a reasonable scope. The field of natural resources is a special field in itself and one of tremendous importance. The qualifications of members of a board dealing with natural resources would be different from the qualifications needed for a board working on general sociological and economic problems.

The job of a natural resources board would be more purely an engineering job, especially when joined with the planning of public works, as, for instance, in flood control. The

field of a natural resources board is so vast in itself and of such a special nature that it is an adequate field in itself for the board.

Second. The National Resources Planning Board as it now stands in the bill would be a general legislative policy board, dominated by the Executive. The President already has hundreds of economists, statisticians, and others under his control in the executive departments who can make studies for him and provide him with a base for public policy. The Congress has no similar organization to do the necessary fundamental research for it or provide it with information and analysis. The main argument for the remainder of this bill has been that the President, being responsible for administration, should be granted power in the field for which he is responsible. The same theory is an equally strong argument against giving the President a legislative policy board to work on matters which are primarily the responsibility of the Congress.

Third. The fundamental questions involved have not been adequately considered, either by the Planning Board itself or by the President's Committee on Administrative Management or by the Select Committee on Government Organization of the Senate. Indeed, on the whole, the basic questions have not even been raised, let alone adequately discussed. No testimony has been taken on these questions. There is no foundation justifying even the presentation of the bill to the Senate.

Fourth. The sections relating to a national resources planning board are not germane to the problem of administrative management, and the matter was not within the proper scope of the President's Committee on Administrative Management. The report of the Planning Board itself, the President's Committee on Administrative Management, and of the Senate committee, clearly shows that this Board is intended to function in the field of legislative policy rather than in the field of administrative management.

Fifth. The name "National Resources Board" is indefinite and misleading, because it leads the great majority of persons who are not intimately acquainted with the details to conclude that it is intended to be a natural resources board.

Mr. President, the case against the proposal of the committee is even more conclusive than that. If a board is to have such a wide scope to cover all questions of policy, relating not only to the Government, but to everything in the world, it certainly will be a full-time job for the best men of the country. What is proposed here is a board of five members to undertake this task—five members who do not even have salaries, who are to serve on a per diem basis, and who are practically forbidden to serve more than half their time, because they are forbidden to draw pay for more than 30 days in any 60-day period.

If the work of such a board is to have any value or authority the board certainly should be made up of the best minds of the country, giving their best and undivided attention to the work. But here we are asked to set up a board of half-time men, presumably a continuation of the present board, whose principal experience has been in city planning, and they are to cover such a vast subject as indicated.

What authority, what confidence, will reports on these vast subjects command from a board constituted of members serving only half time? How can it be possible that their reports will command attention and respect in the Congress?

If the work is not to be done seriously, then there can be no justification for setting up a new board, to cost more money, and to present reports which will not be given attention.

The Resources Board estimates that they will need to spend, in order to carry on their work, at least \$1,000,000 a year. That is only a beginning, of course; \$1,000,000 a year will not pay for the work of this board when it gets under way. One million dollars perhaps is not a large sum, but why should we add more governmental expense when we are bending every effort toward making the Budget

balance, and toward making Government bodies carry their own weight?

Then there is a provision that the board may delegate any of its functions to a director of the board or to any officer or employee of the board. In other words, these vast subjects which the board is supposed to study and report upon might be delegated to an employee of the board, and how is the Congress expected to have respect for that sort of recommendation? I repeat, if the recommendations do not have weight and respect, why should we pay \$1,000,000 or more a year to get those suggestions and recommendations?

Mr. President, I hope the amendment will prevail. I shall reserve my time on the bill.

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Hughes	Pittman
Austin	Davis	Johnson, Calif.	Pope
Bailey	Dieterich	Johnson, Colo.	Radcliffe
Bankhead	Donahay	King	Reames
Barkley	Duffy	La Follette	Reynolds
Berry	Ellender	Lee	Schwartz
Bilbo	Frazier	Lodge	Schwellenbach
Bone	George	Logan	Sheppard
Borah	Gerry	Loneragan	Shipstead
Bridges	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McGill	Thomas, Okla.
Bulkeley	Green	McKellar	Thomas, Utah
Bulow	Guffey	McNary	Townsend
Burke	Hale	Maloney	Tydings
Byrd	Harrison	Miller	Vandenberg
Byrnes	Hatch	Milton	Wagner
Capper	Hayden	Minton	Walsh
Caraway	Herring	Neely	Wheeler
Chavez	Hill	Norris	

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. MILLER. Mr. President, the pending bill is designed, according to its caption, "to provide for reorganizing agencies of the Government," and we find the section to which this amendment is directed makes no provision for, and no mention of, reorganizing any bureau or any agency or any department. On the other hand, we are undertaking in the bill, without adequate hearings—and I say this without any reflection or any intention to reflect on the committee, but I say it from an examination of the record—to determine the advisability or the feasibility or the wisdom of the creation of a superplanning agency.

I should like to call the attention of the Senate, if I may, just for a few moments to the exact status of this matter as I understand it. We have now a National Resources Planning Board—that is, it is in operation, although I am frank to confess to the Senate that I do not think it is authorized under the law to continue in operation, because of section 4 of the Emergency Relief Appropriation Act of 1935, the statute by which the Board was created. I think the Senate ought to examine the statute under which this Board is spending approximately a million dollars a year, and under which the Board is trying to superimpose its judgment upon every other department in our Government which has anything to do with the planning and the execution of public-works undertakings. Section 4 of the act provides:

In carrying out the provisions of this joint resolution—

That is, the emergency appropriation act—

the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

That is the legislative authority under which the National Planning Board exists today. It was established only for the purpose of carrying out the provisions of that emergency appropriation act; yet we find that in the last fiscal year this Board was allocated out of emergency relief funds and out of relief funds the sum of \$750,000. It has in the city of Washington a personnel of about 150. It pays its employees vari-

ous salaries, some of them, the consulting experts, as high as \$35 and \$50 a day. It has eight regional offices scattered throughout the country. The provision of the bill which is sought to be stricken out is the most remarkable I have ever seen incorporated in any bill. I wish to call the attention of the Senate to it.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Does the Senator from Arkansas yield to the Senator from Idaho?

Mr. MILLER. I yield.

Mr. BORAH. Is the Senator now about to take up this particular amendment?

Mr. MILLER. I desire to take up the particular provision referred to.

Mr. BORAH. Before the Senator does that I should like to ask him if he can give us an idea of what the present Board is now doing? What is the legitimate reason for its existence?

Mr. MILLER. Replying to the Senator from Idaho I will say that I can best answer that by calling attention to the Executive order which is the authority which brought forth the Board. As I have said, the President acted under the provision of the act of 1935, and if the funds provided by the act referred to have been expended there is no authority for a National Resources Planning Board in this country today, notwithstanding they have spent \$750,000 this last year. The Executive order provides:

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and to provide a means of obtaining information essential to a wise employment of the emergency appropriation made by said act, I hereby establish an agency within the Government to be known as the National Resources Committee.

That was in 1935. Then follow in order the functions of this National Resources Committee, which I shall ask to have incorporated in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

I hereby prescribe the functions and duties of the National Resources Committee, as follows:

(a) To collect, prepare, and make available to the President, with recommendations, such plans, data, and information as may be helpful to a planned development and use of land, water, and other national resources, and such related subjects as may be referred to it by the President.

(b) To consult and cooperate with agencies of the Federal Government, with the States and municipalities or agencies thereof, and with any public or private planning or research agencies or institutions, in carrying out any of its duties and functions.

(c) To receive and record all proposed Federal projects involving the acquisition of land (including transfer of land jurisdiction) and land research projects, and in an advisory capacity to provide the agencies concerned with such information or data as may be pertinent to the projects. All executive agencies shall notify the National Resources Committee of such projects as they develop before major field activities are undertaken.

Mr. MILLER. The President's order contains a remarkable statement, and it is important to the Senate, and is important to the people of the United States, if we are to retain any say-so over what goes on in this country and over what is done with the money which Congress appropriates. The order contains this remarkable statement:

All executive agencies shall notify the National Resources Committee of such projects as they develop before major field activities are undertaken.

That is the order under which the Board is now operating. It was created for the purpose of finding ways and means of expending the emergency appropriation funds which have have for such a long time been expended. I presume the order may be a continuing one. That, however, is what is being done, and that is the way the Board was brought into existence.

In the pending bill we find a legislative proposal to perpetuate the Board. I ask in all seriousness and in all candor if some of the proponents of the bill will not tell us what this Board is designed to do. The language of the provision in

the bill is so written that I do not understand what the Board is to do. I do not know that it is necessary that ordinary Senators should understand it, but I must confess that I cannot understand what the Board is to do, and I do not believe anyone else can understand it. It is some kind of a superboard imposed upon all departments of the Government, and to which they must report. They must report what? Let me call attention to that. The proposal says that the Board shall—

Investigate, examine, study, analyze, assemble and coordinate, and periodically to review and revise basic information and materials appropriate to plans or planning policies for the development and utilization of the resources of the Nation, both natural and human.

Did Senators ever before hear of a board, a superboard, in this country being superimposed above the Executive himself and above every member of the Cabinet, to coordinate, to assemble, and to analyze information pertaining to the development and utilization of the human resources of this country? What is expected to be done? How are they going to utilize the human resources? Have we come to the point where American citizens have no initiative left, when the American boy and the American girl must have their lives planned, and must have them laid out by a group of men and women who call themselves civic planners and academic planners?

It is said that this Board is merely advisory in its capacity. That is all the more reason why the provision with respect to it should not be enacted. If it is advisory, then I say we have too much advice today which does not come from the right source.

What do the hearings show, Mr. President, with respect to this matter? I have glanced through them. The only organization I know of that is recommending this move is an association of professional planners. I have forgotten what it is called. Its name appears in the record. We have in this country some kind of association of men and women who have banded themselves together and have taken upon themselves the enormous task of planning everything. There is a letter printed in the record of the hearings in which they strongly advocate the passage of Senate bill 2700. That was the bill which was reported favorably from the Committee on Commerce, and, as I understand, remained on the Senate Calendar for some time, and is now incorporated in the pending bill. It was simply thrown into this bill. This provision does not properly belong in a bill to reorganize. By it we would only add another bureau, which in the end would swallow up all the other bureaus of the Government.

Further the bill provides:

To obtain data and reports from, to cooperate and participate in the work of, and to consult with, any agencies of the Federal Government and of any State, Territory, or possession of the United States (including the Philippine Islands), or political subdivisions thereof.

I wish to ask the Senate what the National Resources Planning Board has to do with the things that belong to the people of Arkansas? We know what we want to do with them. We know what activities we ought to carry on there, and we are going to carry them on. This superboard will coordinate and collect data, and advise with the State of Arkansas and with the "political subdivisions thereof, as well as any public planning or research agencies and institutions."

Mr. President, there are several committees in the Senate charged with jurisdiction over certain matters. If this proposal were to be enacted, I think the Congress should, in order to keep the record straight, create a supercommittee of the Congress, a committee to supervise the other committees, and to require the other committees to report to it, and finally to pass upon the actions of other committees, and act as an advisory body to the House and the Senate. There would be just as much sense to a proposal of that sort as there is to the pending proposal.

What else do we find?—

The Board is authorized, without regard to the civil-service laws, to appoint a director, and, subject to the civil-service laws, to appoint such other officers and employees as may be necessary to carry out its functions—

Listen—

The compensation of the director and such other officers and employees shall be fixed in accordance with the Classification Act of 1923, as amended.

The Board shall prepare and submit annually to the President a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendations concerning matters within its jurisdiction as the Board may deem advisable.

We find also this provision:

The Board is authorized to delegate to the director or to any other officer or employee of the Board any functions vested in the Board by law.

Mr. President, I refer again to the question asked by the Senator from Utah [Mr. KING] as to what this Board has done since its creation. So far as I know, the only thing it has done has been to issue several books and pamphlets. It has spent an enormous amount of money for printing. Considerable literary ability has been exhibited in the preparation of its reports. Someone has gotten a good deal of satisfaction out of preparing them. About all the Board has done, however, has been to try to delay work that has been approved by other departments that are charged under the law with doing it.

Mr. President, this bill is contrary to the very theory of government work. Let me submit the suggestion to the Senate that planning on any scale must be closely associated with the executing agency.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MILLER. I will take time on the bill.

Planning cannot be academic. The Department of Agriculture is in charge of forestry. The Army engineers are in charge of flood control and navigation. If flood-control work is to be done, who should plan it? It should be planned by the executing agency. If a reclamation project is to be constructed, who should plan it? The executing agency, the Bureau of Reclamation, of course. The same thing is true of every other activity, including the Biological Survey and all the others.

Mr. President, I wish someone would tell me of any department which spends money and constructs works of any kind or character which does not have within it an adequate planning section. There is no such department. Why is a duplication of effort proposed? Why should the proposed Planning Board be imposed upon the other agencies of the Government merely to hamper them and further to regiment the human resources of the country?

I cannot believe that the implications contained in this section have the approval of the Executive. I cannot believe they have the approval of anybody other than the men who are responsible for them, and who inserted such provisions in the bill merely at the request of planning commissioners throughout the country.

I desire to make one further suggestion and then I shall conclude.

I challenge any Senator to show anything constructive which has been accomplished by the National Resources Committee in the past 3 years of its life. The Committee has filed reports, copies of which are undoubtedly in the office of every Senator. I challenge any Senator to produce a single such report which is not copied from reports of other agencies of the Government. I am familiar with the reports on flood control, and I know where the National Resources Committee obtained the information.

It is proposed in the bill to set up a board and pay the members thereof \$50 a day for the time they are in session.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. OVERTON. The objection to this particular provision of the bill is not that the Board will accept the plans and recommendations of all the different agencies of the Government, but that it is proposed that the Board step in and undertake to revise the plans and to participate in the formation of the plans. That is a legislative authority which the bill proposes to vest in the National Resources Planning Board. I do not think it would be particularly objectionable if the Planning Board were simply to collate different plans which had been formulated by the different agencies and present a résumé of them either to the President or to the Congress. The objection is that the Board will undertake to supervise and control the formulation of the plans, and, after they have been formulated, to revise and coordinate them. The Board will have general supervisory control over all the different agencies of the Federal Government.

Mr. MILLER. Certainly. I may say to the distinguished Senator that the planners would not want to be constituted into a board merely to collate or to collect plans. If they could not superimpose their own judgment and revise, analyze, and make recommendations, they would not want to be constituted as a board. That would not serve their purposes at all.

The proposed superboard must have authority to be the last word if it is going to develop the human resources of the country.

Mr. OVERTON. I agree with the Senator. I was merely undertaking to express my view.

Mr. MILLER. If the Board is to develop the human resources of the country, to say nothing about the natural resources, it must have complete authority.

However, the Senator will agree with me, I am sure, that the National Resources Committee today is directly responsible for delay in flood-control legislation in the Congress, and will continue to be a means of holding up proper public works if this provision of the bill is enacted. The time when we authorize by legislation the creation of such a board will mark the beginning of a superregimentation of everything pertaining to Government activity, including highways, levees, reservoirs, reclamation, forestry, biological work, and every other governmental activity. Such activities will not be dominated by the Reclamation Bureau, the Army Engineers, or the Forest Service. The authority of the agencies to which I have referred will pass out of existence, and will rest completely in the professional planners, who will draw \$50 a day for the time they are in session. The provisions of the bill authorize the National Resources Planning Board to employ anyone else they may desire. It is said that we can control such employment, because we control the purse strings. It is true that Congress controls the purse strings, but under the present law there is not a legislative appropriation of a dime to the Board.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BULKLEY. Does not the bill directly put under executive control a board whose function is solely legislative?

Mr. MILLER. Yes.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BORAH. Under the provisions of the bill, the Board will not even make a report to Congress. It will report exclusively to the Executive. Congress will never be advised as to any plans or purposes of the Board. Congress will be excluded from whatever knowledge it otherwise might have.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BARKLEY. The Senator from South Carolina [Mr. BYRNES] intends to offer an amendment to this part of the bill.

Mr. BORAH. I am glad to hear it.

Mr. BARKLEY. The amendment which the Senator from South Carolina proposes to offer provides that reports shall be made not only to the President but to Congress.

Mr. BORAH. I am glad that the existence of Congress has been recognized.

Mr. MILLER. I will say to the distinguished majority leader that I think such an amendment would improve the bill, but still I cannot see why any useful purpose would be accomplished by setting up such a board. Judging from the experience of the past, when the board is created the result will be to create a further impediment to the construction of useful public works which ought to be constructed by men of long practical experience.

As an illustration, in the report which was submitted just a few days ago, the National Resources Committee recommended the improvement of the channel of the river at Houston, Tex. That improvement will be finished by July 1 of this year. The Board merely went through the old reports of the Army engineers and took one after another improvements which are now just about completed and recommended that those projects be initiated by the Congress.

The provisions of the bill merely set up another bureau for the employment of men who feel in duty bound to advise American citizens, and the fathers and mothers of this country, how to utilize human resources, as well as natural resources.

CUSTODY OF RECORDS OF TENNESSEE VALLEY AUTHORITY

Mr. BRIDGES. Mr. President, during the past few weeks there has been considerable discussion of the T. V. A. situation.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Hughes	Pittman
Austin	Davis	Johnson, Calif.	Pope
Bailey	Dieterich	Johnson, Colo.	Radcliffe
Bankhead	Donahay	King	Reames
Barkley	Duffy	La Follette	Reynolds
Berry	Ellender	Lee	Schwartz
Bilbo	Frazier	Lodge	Schwellenbach
Bone	George	Logan	Sheppard
Borah	Gerry	Loneragan	Shipstead
Bridges	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McGill	Thomas, Okla.
Bulkley	Green	McKellar	Thomas, Utah
Bulow	Guffey	McNary	Townsend
Burke	Hale	Maloney	Tydings
Byrd	Harrison	Miller	Vandenberg
Byrnes	Hatch	Milton	Wagner
Capper	Hayden	Minton	Walsh
Caraway	Herring	Neely	Wheeler
Chavez	Hill	Norris	

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. BRIDGES. Mr. President, for some weeks the T. V. A. situation has been, in one form or another, before this body. Apparently in both the House and the Senate resolutions have been presented providing for an investigation of this situation. Because of pending legislation and various Senators working at cross purposes, there has been a failure to get together on any universally accepted course of action or to agree upon a time for such action. It is very apparent, however, to me that it will be at least until the conclusion of the consideration of the reorganization bill, and probably until the conclusion of the consideration of that bill and also the calling of the calendar before any definite action may be taken with reference to the T. V. A. The problem, then, before the Senate will be to decide which type of investigation will be most desirable, whether we will join with the Members of the other body in a joint congressional investigation or whether we will proceed with a senatorial investigation. Either course would be satisfactory to me, provided the substance of the resolution of investigation were sufficiently general to cover all phases of the matter to be investigated and no specific allegations outlined.

The President of the United States has proceeded to hold his own hearings and summarily removed Dr. Arthur Morgan from office, in my judgment, illegally. There is a grave

question involved in this matter, but some of the best legal authorities in the country and some of the best in this body have indicated to me that, in their judgment, the President acted entirely outside his legal rights.

He then appointed Mr. Harcourt Morgan as Chairman of the T. V. A. Board, leaving him and Mr. Lillenthal the other two members of the Board, against whom Dr. Arthur Morgan had made certain charges, in complete control of the T. V. A.

Yesterday I read into the RECORD certain sections of the United States Criminal Code and pointed out that persons who conceal or obliterate or destroy records and documents belonging to the Government are subject to imprisonment and to fine. I now believe we would be very derelict in our duty unless we should take some action immediately in order to protect the records which later may be used in evidence in any investigation which may be ordered. I submit a resolution, which I send to the clerk's desk and ask to have read.

THE PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 255), as follows:

Resolved, That the Sergeant at Arms of the Senate is directed to take into his custody in the name of the United States Senate all books, records, papers, and documents of the Tennessee Valley Authority and to hold same in readiness for production before any duly constituted congressional investigating committee. Such books, records, papers, and documents shall, while in the custody of the Sergeant at Arms and under such rules and regulations as he may prescribe, be made available to the officers and employees of the Tennessee Valley Authority for its normal operations. The Sergeant at Arms is authorized to appoint such special deputies as may be necessary to carry out the provisions of this resolution. The expenses of the Sergeant at Arms under this resolution, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by him. All authority conferred by this resolution shall expire upon the final report to the Congress by any congressional investigating committee established to investigate the Tennessee Valley Authority or, if no such committee is established, on July 31, 1938.

Mr. McKELLAR. Mr. President, may I ask if any request was made concerning the resolution or was it merely submitted?

Mr. BRIDGES. I am going to make a request concerning it in a moment.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. SCHWELLENBACH. May I ask the Senator whether he intends to have the books and documents brought into the Chamber or placed out in the hall or just where all these books and documents are going to be stored in the Senate?

Mr. BRIDGES. My purpose, I think, is apparent from the resolution. It indicates that the Sergeant at Arms of the Senate would assume custody of the books, documents, and papers wherever they may be, and that they would be released for the current operations of the T. V. A. upon receiving permission from the Sergeant at Arms or his representative.

Mr. SCHWELLENBACH. Would not the Senator prefer to include a provision that permission be obtained from the Senator from New Hampshire before anybody may look at the books, papers, and documents?

Mr. BRIDGES. I have confidence in the Sergeant at Arms of the Senate.

Mr. SCHWELLENBACH. I am glad to learn that the Senator from New Hampshire trusts somebody. The Sergeant at Arms is the first man, so far as I have ever heard, in whom the Senator has any confidence outside himself.

Mr. BRIDGES. I will say to the Senator from Washington that I have confidence in a great many men; I have confidence in a great many Members of his own party.

Mr. BARKLEY. Mr. President—

THE PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. BRIDGES. I yield.

Mr. BARKLEY. The law under which the Tennessee Valley Authority was created stipulates the responsibility of that Authority in keeping its books and records. Does the

Senator think that that law can be repealed by a mere Senate resolution?

Mr. BRIDGES. I do not believe in repealing a law, but I think the Senate would be wholly within its powers in impounding records, documents, and so on, that might later be used in the course of an investigation.

Mr. BARKLEY. If the Senate should authorize an investigation, and there was any failure or refusal on the part of anybody to produce records, or there was any suspicion that any of them were going to be destroyed, the Senate might take action; but, in the absence of any authority to investigate or the appointment of any committee, and in the absence of any evidence, except the tenuous suspicion of the Senator from New Hampshire, that somebody is going to make away with important records before he gets his eyes upon them, I do not think the Senate by itself has any authority to take charge of the records of the T. V. A., any more than it has authority to take charge of the records of the Department of Justice or of the Department of Agriculture or of the Philippine High Commissioner.

Mr. BRIDGES. I am glad the Senator from Kentucky has been rather sweeping in his statements, because he has been very inclusive, and, as I understand, has included in that group the person who some predict will be the next Democratic nominee for President.

Mr. BARKLEY. I am glad to exclude from that group the next Republican nominee for President.

Mr. BRIDGES. We do not yet know who that will be, but whoever it is, I have no doubt he will be a good man.

Mr. BARKLEY. I understand that the Senator from New Hampshire himself has designs upon the nomination. [Laughter.]

Mr. BRIDGES. In spite of what the distinguished Senator from Kentucky has said, if an investigation is to be delayed, and if two members of the Board are now in absolute control—Dr. Arthur Morgan having been banished far away by the Executive order of the President of the United States, in my judgment illegally—then, in order that we may not be derelict in our duties as public officials, in order that we may assure a fair investigation and the presence of all the material when the investigation does go forward, I believe we should take immediate action upon my resolution introduced here today.

I therefore ask unanimous consent for the immediate consideration of this resolution calling for the impounding of the records of the T. V. A.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire for the present consideration of the resolution submitted by him?

Mr. McKELLAR. I object.

THE PRESIDING OFFICER. Objection is heard. The resolution will lie over under the rule.

REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

THE PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BULKLEY].

Mr. BORAH. Mr. President, I understand that the portion of the bill dealing with the National Resources Planning Board is to be very greatly overhauled and rewritten. If I could find the author of this part of the measure, or somebody who would be willing to admit that he is its author, I should like to ask whether or not we are discussing what we propose to pass or whether we are to discuss something else.

If I may have the attention of the able Senator from Kentucky [Mr. BARKLEY], I will say to him that I understand there will be some amendments to the provision we are now discussing.

Mr. BARKLEY. Mr. President, I will say to the Senator from Idaho that 2 or 3 days ago the junior Senator from

South Carolina [Mr. BYRNES] and I together discussed certain amendments to this part of the bill in order to clarify it. That was done without regard to this motion, because I did not anticipate that any motion was to be made to eliminate these sections altogether from the bill. In order to clarify the sections, we have suggested some amendments.

Mr. BORAH. May we have those amendments disposed of at this time?

Mr. BARKLEY. I was about to suggest that in order that they might be disposed of, as they ought to be, before the motion is voted upon to eliminate altogether this part of the bill, it ought first to be perfected.

Mr. BORAH. It ought to be perfected before we proceed with the debate. I should like to know what we are considering.

Mr. BARKLEY. I think I can state to the Senator what the amendments are. I have tried to jot down what our suggestions would be.

In subsection (1) of section 403—

The Board is authorized to—

(1) Investigate, examine, study, analyze, assemble, and coordinate and periodically to review and revise—

We propose to strike out "and periodically to review and revise", so that the paragraph will read:

(1) Investigate, examine, study, analyze, assemble, and coordinate basic information and materials appropriate to plans or planning policies for the development and utilization of the resources of the Nation, both natural and human.

And to strike out the rest of the paragraph, which reads:

And, on the basis thereof, to initiate and propose in an advisory capacity such plans and planning policies.

Of course, in the report of the Board to the President or to Congress, either or both, they would, in the very nature of things, make any recommendations they might see fit; and it is not the desire of the committee that the Board shall have power to initiate programs, or in any way to interfere with the Departments in the performance of their duties.

Mr. BORAH. Mr. President, I understood that the Senator was informed that the word "coordinate" was to come out of that part of the bill.

Mr. BARKLEY. That matter was discussed, but I see no objection to allowing the Board to coordinate the information; that is all. They will not coordinate any department. The paragraph simply allows the Board to assemble and coordinate—that is, work in together—whatever they have gathered in the way of information. I have no pride of standing by the word "coordinate." The Board may coordinate the information without being told to do so, I suppose.

Mr. BORAH. I was simply trying to find out what it is that we propose to do.

If I may be permitted, I should like to have these amendments offered and disposed of before we proceed on the other matter.

Mr. BARKLEY. I share that wish. I had thought the amendments would be disposed of before a vote on the motion of the Senator from Ohio [Mr. BULKLEY]. In fact, as I said a while ago, I did not know he was going to move to strike out all this part of the bill.

Mr. JOHNSON of California. Mr. President, may I inquire of the Senator what is meant by "the resources of the Nation, both natural and human"?

Mr. BARKLEY. Of course, we understand what natural resources are—minerals, timber, coal, land, anything that is a natural resource.

Mr. JOHNSON of California. Yes.

Mr. BARKLEY. But, of course, our desire to conserve those things and to utilize them for the benefit of the people brings in the human element. In other words, it is of no use whatever to conserve and utilize all these things except in behalf of humanity.

The PRESIDING OFFICER. The Senator from Idaho [Mr. BORAH] has the floor.

Mr. JOHNSON of California. I beg the Senator's pardon. The PRESIDING OFFICER. Does the Senator from Idaho further yield?

Mr. BORAH. I am perfectly willing that other Senators shall occupy the time if it does not take all my 15 minutes.

Mr. BARKLEY. We can hardly separate our natural resources from their utilization and use and benefit to human beings. That is, of course, the idea.

Mr. JOHNSON of California. I do not want to take the time of the Senator from Idaho, so I will not interrogate the Senator from Kentucky further on that subject. I will do so ultimately, if he will permit it; but there is one other thing I desire to inquire about. That is on page 40, paragraph (c).

Mr. BARKLEY. The pages are different here.

Mr. JOHNSON of California. That is part of the provision about the Department of Welfare. I am as mixed as the bill, perhaps. Paragraph (c) reads:

The Secretary of Welfare shall administer the laws—

And the Senator from South Carolina [Mr. BYRNES] was kind enough to tell me that that section relates wholly to the laws now in existence.

Mr. BARKLEY. That is, the laws in existence with respect to any bureau that may be transferred to that department when it is created.

Mr. JOHNSON of California. If that be so, my objection is answered.

Mr. BARKLEY. That is absolutely true.

Mr. JOHNSON of California. But I desire to call the Senator's attention to this language—

Shall administer the laws relating to any agency or function transferred to, or brought within the jurisdiction and control of, the Department of Welfare pursuant to law, which relate to public health and sanitation; the protection of the consumer; education—

Mr. BARKLEY. That, of course, means that if the Bureau of Education now in the Department of the Interior should be transferred to the Department of Welfare, the Department of Welfare would have jurisdiction to administer that Bureau under the law as it now exists.

Mr. JOHNSON of California. And the language relates solely to the Interior Department, vocational education?

Mr. BARKLEY. Yes; any educational activity which is now in existence under law.

I do not want to take any more of the time of the Senator from Idaho.

Mr. BYRNES. Mr. President, will the Senator from Ohio [Mr. BULKLEY] consent to withdraw his amendment long enough to enable me to offer perfecting amendments?

Mr. BORAH. The Senator from South Carolina has a right to perfect this part of the bill without having the amendment of the Senator from Ohio withdrawn.

Mr. BYRNES. No; there is an amendment pending, and only by unanimous consent could the perfecting amendments be offered.

Mr. BULKLEY. Mr. President, I think perhaps the suggestion made by the Senator from Idaho is a good one—that I might go over these suggestions and see whether this part of the bill should be further perfected. In the meantime, the Senator from Idaho has pretty much lost his time by this colloquy. I ask unanimous consent that he have 15 minutes—

Mr. BORAH. It will not be necessary to do that. When the Senator from Ohio again offers his amendment I shall have time in which to discuss it.

The PRESIDING OFFICER. The Chair is informed that perfecting amendments would be in order before the pending amendment of the Senator from Ohio is presented.

Mr. BULKLEY. The Chair rules that the perfecting amendments are in order now, while my motion to strike out is pending?

The PRESIDING OFFICER. They would take precedence over the pending amendment.

Mr. BULKLEY. Then there is no question of consent about the matter. Let the amendments be offered.

Mr. BYRNES. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The CHIEF CLERK. It is proposed to strike out subsection (c), lines 1 to 3, page 42.

(Mr. BYRNES' amendment was to strike out the following words:)

(c) The Board is authorized to delegate to the director or to any other officer or employee of the Board any functions vested in the Board by law.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BARKLEY. Mr. President, that is the paragraph which authorizes the Board to delegate any of its power to the director or other officers.

Mr. JOHNSON of California. The Board is authorized by this subsection—

To delegate to the director or to any other officer or employee of the Board any function vested in the Board by law.

The PRESIDING OFFICER. The desk is using the original print.

Mr. BARKLEY. The amendment strikes out subsection (c) of section 404 wherever it appears in the print of the bill.

Mr. BYRNES. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The clerk will report the perfecting amendment.

The CHIEF CLERK. On page 41, line 1, after the word "from", it is proposed to strike out the words "to cooperate and participate in the work of."

Mr. McNARY. Mr. President, there are two or three prints of the bill.

Mr. BYRNES. This is the original print. It is section 403, subsection (2).

Mr. McNARY. The print at the desk is the one which was agreed to with amendments.

Mr. BYRNES. The amendment appears in the revised print on page 43, line 14.

Mr. McNARY. I suggest that we work with the revised print.

Mr. BYRNES. I was of the opinion that that would be better, but was informed that we had to follow the original print.

The PRESIDING OFFICER. The Chair has stated that the clerks are using, and say they must use, the original print.

Mr. BYRNES. If the Senator from Oregon has the revised committee print, he will find the language on page 43, line 14. In the original print it is on page 41, line 1.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BYRNES. Mr. President, the Senator from Wyoming has one or two perfecting amendments which the committee has approved.

Mr. O'MAHONEY. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 41 of the original print, lines 10 and 11, it is proposed to strike out the words "or upon the request of the President" and to insert in lieu thereof the words "and the Congress or upon the request of the President or the Congress."

Mr. AUSTIN. Mr. President, where does the amendment come in the bill?

The PRESIDING OFFICER. In the original print it is on page 41, lines 10 and 11.

Mr. BYRNES. For the benefit of Members of the Senate, let me say that it is on page 43, line 24, of the revised print.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. O'MAHONEY. I offer another amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 41, line 20, after the word "President", it is proposed to insert the words "and to the Congress."

Mr. O'MAHONEY. This is a companion amendment.

The amendment was agreed to.

Mr. O'MAHONEY. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 42 it is proposed to strike out lines 1 to 3, inclusive, as follows:

(c) The Board is authorized to delegate to the director or to any other officer or employee of the Board any functions vested in the Board by law.

Mr. O'MAHONEY. I understand this amendment has already been presented on behalf of the committee and agreed to, so I withdraw the amendment.

Mr. BARKLEY. Mr. President, there was another amendment, which I discussed with the Senator from Louisiana.

Mr. OVERTON. Mr. President, I desire to offer an amendment.

Mr. POPE. Mr. President, will the Senator yield to me to ask the Senator from South Carolina a question?

Mr. OVERTON. I yield.

Mr. POPE. Why was the subsection at the top of page 42 stricken out?

Mr. BYRNES. Because, in the opinion of the committee, it was unnecessary. The National Resources Planning Board has power to adopt rules and regulations. The language was capable of the construction that the power of investigation might be delegated to an employee, power which it was the intent of the bill to give to the Board itself.

Mr. O'MAHONEY. Mr. President, it might also be said that it would have been susceptible of the construction that the Board could have delegated to a subordinate the power to make reports to Congress, which of course was not desired.

Mr. BYRNES. That was not the intention of the committee.

Mr. OVERTON. Mr. President, on page 40, line 19, of the original print, I move to strike out the words "and revise."

Mr. BARKLEY. There is no objection to the amendment. The amendment was agreed to.

Mr. OVERTON. Mr. President, there is another amendment which it was agreed between the Senator from Kentucky and myself one or the other would offer. On page 40, line 23, I move to strike out everything after the word "human" and insert a semicolon after the word "human."

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40, line 23, it is proposed to strike out the comma after the word "human" and all down to the semicolon in line 25, as follows: "and on the basis thereof, to initiate and propose in an advisory capacity such plans and planning policies."

Mr. BARKLEY. There is no objection to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I should like to have the clerk read section 403, as amended, so that the Senate may know just exactly what there is in it.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

The Board is authorized to—

(1) Investigate, examine, study, analyze, assemble, and coordinate and periodically to review basic information and materials appropriate to plans or planning policies for the development and utilization of the resources of the Nation, both natural and human.

The PRESIDING OFFICER. The question now is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BULKLEY].

Mr. BULKLEY. Mr. President, if we are to amend this section in an effort to make it satisfactory, I suggest that

on page 40, line 22, the word "natural" be inserted before the word "resources", and that the words "both natural and human" be stricken out.

Mr. AUSTIN. Mr. President, where does the amendment come?

Mr. BULKLEY. On page 40 of the original print, line 22. The purpose is to strike out this indefinite authority about human resources. The form of my amendment is to insert the word "natural" before the word "resources" where it occurs in line 22, and then at the end of line 22 to strike out the words "both natural and human."

Mr. AUSTIN. I have no objection.

Mr. BULKLEY. Mr. President, is this another amendment on which all Senators are entitled to time?

The PRESIDING OFFICER. The Senator from Ohio can present the amendment and have 15 minutes on it.

Mr. BULKLEY. I do not care to take 15 minutes, but I should like to take sufficient time to learn what is the view of the Senator from Kentucky about it.

Mr. BARKLEY. Of course, I can discuss the amendment in my own time, but I am glad to do so in advance of the remarks of the Senator from Ohio, if he prefers.

As I said a while ago, in response to a question of the Senator from California, the only object in setting up a resources board and gathering the facts with respect to our national resources is to see what effect it is going to have or may have on human beings.

Mr. BULKLEY. Is the Senator quite sure that the only object of this board is to see what effect it will have on human beings?

Mr. BARKLEY. No; I am going a little further than that.

Mr. BULKLEY. The Senator will have to go a good deal further to justify what is in the bill.

Mr. BARKLEY. I am willing to go the distance, however far it may be, I will say to the Senator from Ohio.

I stated that the only object of gathering information with respect to our natural resources is that it will have some effect upon humanity, upon the welfare of human beings. Therefore, we have placed in the language of the bill not only the power to investigate and gather information with respect to iron, coal, timber, minerals of all kinds, water-power, and housing, but we have also provided that they may investigate technology and science and the inventive genius of our people in order that we may coordinate these things for the benefit of the American people.

The Board will have the power also to investigate trends of population, in order that they may report to the Congress or to the President, or to both, whichever is finally required, the trends of population.

They will also have the power to investigate land utilization, which is one of the most important things.

I grant that these things may be investigated, and are, to some extent, being investigated by different departments, soil conservation, the Bureau of Mines, and all of that, but the object of creating the Board is to have some agency which will take a bird's-eye view of all our resources of every kind in order that they may be utilized for the benefit of people. The use of coal cannot be separated from human welfare. The mining of coal and the deposit of coal and the conditions under which coal may be mined cannot be separated from the human element. It is just as impossible to do that as it is to separate food from the human body or sleep from the human body.

Mr. BULKLEY. Does the Senator contend that the reorganization of metropolitan and state governmental units is connected with the development of natural resources?

Mr. BARKLEY. It may be with respect to the use of water power, or electrical power, or any other agency that may have within itself possibilities of advantage to the people of the United States.

Mr. BULKLEY. Because it might in some exceptional case have a remote connection, is it necessary to give this Board the power to reorganize metropolitan and State governmental units?

Mr. BARKLEY. No. The Senator from Ohio knows there is nothing in the bill which gives the Board the power to do anything like that. All it can do is to gather information and submit it to the President or to the Congress or to both, and if either sees fit to do so it can make use of the information which has been gathered from a national standpoint and in order to find out the condition of our country as a whole.

The Board has no authority to reorganize anything, to interfere with any local authority or any department of the Federal Government, or to do anything else except to gather information with respect to our natural resources as well as human resources, and make report to Congress, or to the President, or to both. It has no power to change the law, or to initiate a remedy, or to exercise coordinate authority with any authority, municipal or State; but in order that there may be an understanding of our condition as a Nation, the value of our resources and their effect and their relationship to human welfare, the Board is authorized to collect such information and to report it to Congress and to the President.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BORAH. Natural resources and human resources are two very distinct and separate matters. It is true that there is a human interest in all natural resources and the methods in which they are used, but when we say the national resources, both natural and human, we include something far beyond the question of developing or of studying natural resources. We are dealing with human resources as a separate and distinct proposition, which covers the entire sociological world, from birth control up.

Mr. BARKLEY. Or down.

Mr. BORAH. I do not know about down. It would cover precisely those subjects, and the entire field of human activities and human resources, wholly separate and apart from the question of natural resources. It could go into any question. In the South it could go into the entire question of tenancy, sharecropping, and the effect of tenancy upon human nature and the human resources. It could cover the entire subject, and that is what this provision is designed to do.

Mr. BARKLEY. Mr. President, what would be the objection? The Senator, of course, draws the distinction between natural resources and human resources, and there is in a certain sense a distinction, although a human resource is not an unnatural resource. It may be just as much a part of nature as a deposit of coal, or of iron, or gold, or of silver, or the power that is generated through the use of water.

Let us suppose that this Board had the power to investigate tenancy, and by that investigation, not in one State, but in all the States, it could give information that would be valuable to Congress or to the President in determining what if anything should be done about tenancy. Suppose the Board had the power to investigate slum conditions, not in New York alone, but in Chicago and San Francisco and in Louisville, and by gathering such information it could present a complete picture to Congress or to the President, leaving it to us to determine whether we should do anything about it? What objection is there to that?

Mr. BORAH. Very well, but what I was undertaking to do was to find the extent of the power under this bill. It may be desired to investigate the question of tenancy, and slums, and all these questions. That may be all right. But what I am saying is that under this bill the activities are not confined to natural resources.

Mr. BARKLEY. No.

Mr. BORAH. All those things which the Senator from Kentucky has mentioned are covered.

Mr. BARKLEY. Of course, the use of the words "human resources," if they are to be distinguished from natural resources in this case, would have the effect to place the welfare of human beings at least upon a par with the welfare of coal, iron, and water.

Mr. BORAH. If it is understood that that is what it is, that is all right. But I want it understood that that is what the bill covers. Let us not deceive ourselves that we are covering the earth and all things thereon.

Mr. BARKLEY. Yes; I agree with the Senator that that is what it covers, and it ought to cover.

Mr. BORAH. Very well. Then we know what the bill proposes.

Mr. MILLER. Mr. President, I ask the majority leader if he will not agree to an amendment on page 41, line 6, following the word "thereof," to insert "upon the request of the local subdivision or State"? I will state the point I am trying to make.

Mr. BARKLEY. I appreciate what the Senator is getting at, but instead of saying "upon the request," why not use the words "with the consent," so that the Board could not impose itself upon the subdivision without its consent?

Mr. MILLER. That is agreeable to me. The Senator sees what I am driving at.

Mr. BARKLEY. Yes.

Mr. MILLER. I have no objection to that change being made.

Mr. BYRNES. I think that is all right.

Mr. MILLER. I offer that as a perfecting amendment.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The CHIEF CLERK. On page 41, in line 6, after the word "thereof", it is proposed to insert "with the consent of the local subdivision or State."

Mr. BULKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BULKLEY. The adoption of that amendment does not displace the amendment I have offered?

The PRESIDING OFFICER. It does not.

Mr. MILLER. It is a perfecting amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. MILLER].

The amendment was agreed to.

Mr. COPELAND. Mr. President, I shall take a minute or two. In this very bad bill there stands out one good feature. In my judgment, this particular body, the National Resources Planning Board, has in it potentialities of usefulness to the Nation such as I cannot think of now as being found anywhere else except in the temporary Board. In a great country such as ours there ought to be some organization which is all the time giving consideration to the resources of the Nation in the effort to make it a self-contained Nation, to make sure that we are not overlooking those things which are to be found within our borders, to make plain to the different departments of the Government how they can find here, there, and elsewhere something of value. I do not wish to enlarge upon what I have said.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BULKLEY. I hope the Senator is going to make clear that he agrees with my viewpoint in suggesting that this authority be confined to actual resources, and that the words "both natural and human" should be stricken out.

Mr. COPELAND. I agree with the Senator. Previous to the discussion today I would certainly have agreed with him in his position, because I happened to be chairman of the committee and the subcommittee which gave consideration to the idea of making this temporary Board a permanent one, and we heard very interesting testimony, which convinced me that we ought to enact legislation to make the Board permanent.

The Senator from Ohio is right. There was nothing said in the committee about human resources. The discussion related to natural resources. The Senator from Idaho [Mr. BORAH], however, has built up a record which makes clear to me that the only use that can be made of any information relating to human beings is to pass it on to some other department of the Government. If it were to be used in the regimentation of human beings, or by it some use were to be

made of human beings as voters in an election I would bitterly oppose it. But this is to be a study, as I understand, of trends of population. If one goes into any great city he will find that the telephone company, the best-informed organization in the city, is studying the trends of population. It is very important to the telephone company to know where the population is moving in order that the company may make arrangements with respect to cables and other matters. The same thing applies to the Nation.

Mr. BULKLEY. Does the Senator understand that this authority also covers such subjects as price control and fair competition?

Mr. COPELAND. No; I do not so understand.

Mr. BULKLEY. The Board so understands, and reports on those subjects.

Mr. COPELAND. Let us ask the Senator in charge of the bill.

Mr. BULKLEY. I think it would be well for him to answer if he knows.

Mr. BYRNES. I certainly do not know of any such thing as that being in contemplation. The contrary is in contemplation.

Mr. BULKLEY. Is the Senator sure that he does not know that there is such a thing in contemplation?

Mr. BYRNES. The Senator from South Carolina stated he did not know.

Mr. BULKLEY. The Senator has not read the report.

Mr. BORAH. Mr. President, may I suggest that this is a matter of very general concern. We cannot hear what is going on on the other side of the Chamber.

The PRESIDING OFFICER. The Senator from New York [Mr. COPELAND] has the floor. Does the Senator yield; and, if so, to whom?

Mr. BYRNES. I answered the question of the Senator from Ohio when I said I did not know.

Mr. COPELAND. The Senator from Ohio asked me if I understood that the language "human resources" meant—will the Senator repeat what he asked?

Mr. BULKLEY. I suggested that it includes the subjects of fair competition and price control. It includes a good many others as well.

Mr. COPELAND. The Senator states that he finds such language in the report. Will he quote from the report?

Mr. BULKLEY. I will in just a few moments. I want the Senate to understand that the Senator from South Carolina admits that he did not even know that the language of the bill had such significance. The report of the Board itself shows the intent.

Mr. COPELAND. Let us ask the Senator in charge of the bill.

Mr. BYRNES. Mr. President, I will say to the Senator from Ohio that, as to this particular provision of the bill, I will admit that I had not followed it closely, because the Senator from Kentucky [Mr. BARKLEY] has taken a more active interest in it than has the Senator from South Carolina. I admit that I did not know that the bill had the significance suggested.

Mr. COPELAND. What has the Senator from Kentucky to say about it?

Mr. BARKLEY. What is the report which is under discussion?

Mr. BULKLEY. The report of the National Resources Committee.

Mr. BARKLEY. I have read the report of the National Resources Committee. If anything has any effect whatever upon any court, or administrative agency, or any department in the interpretation of an act of Congress, it is the language of the act itself, and the report of the committee. A report made by the Board itself would not be binding in any way upon the Department, no matter how far the Board might go in describing the work which it had done.

So far as the scope of the authority set out in the bill is concerned—which is very simple, it seems to me—I attach no significance to the fact that the Planning Board itself, in describing the work it had done, became somewhat en-

thusiasm in its report. I can commend the Board for that enthusiasm, because I think the Board has afforded to the general public, to the President, and to Congress, a wide field of information which we previously did not have. However, I am not worried about it. The bill explicitly states what may be done. If any report would have any binding force, it would be the report of the committee. I am willing to stand by the bill and the report of the committee.

Mr. COPELAND. I do not think the Senator from Kentucky has been quite responsive. The Senator from Ohio says that a report includes certain language. Does he refer to the report on this bill?

Mr. BULKLEY. It is the report of the Planning Board. The Board is already functioning under Executive order.

Mr. BARKLEY. I understood the Senator to be calling attention to a report made by the Board itself, to which I was responding.

Mr. BULKLEY. Yes.

Mr. BARKLEY. The report of the Board is the report to which I was referring.

Mr. BULKLEY. Does the Senator think the Planning Board ought to be made "one of the tools of overhead management" of the Government?

Mr. BARKLEY. I do not; and I do not think it can be so regarded by any stretch of the imagination.

Mr. BULKLEY. Let me call the Senator's attention to the report of his own committee. On page 18, from which I have just quoted, the following language appears:

This bill proposes, as one of the tools of overhead management, in addition to personnel and fiscal agencies, a planning management agency.

If there is any stretch of the imagination involved in reading the language of the committee report, I should like to be called to order on it.

Mr. BARKLEY. There might be different interpretations of overhead. There is no authority for the Board to interfere in any way with any other department. The language which the Board itself used was "an over-all organization."

Mr. BULKLEY. I am using the language of the Senator's committee.

Mr. BARKLEY. The language which the Board itself used referred to an over-all organization to take a bird's-eye view of our resources, both natural and human, and make reports with respect to them to the Congress and to the President.

Mr. COPELAND. Mr. President, I take it from what the Senator from Kentucky says that the language referred to was an inadvertent addition to the report, and that the bill does not propose to make the Board one of the tools of overhead management.

Mr. BARKLEY. I did not write the report of the committee. Of course it is not so intended. Whether the language in the report is there by inadvertence, or oversight, or for any other reason, it is not the intention of the committee to make the proposed organization an overhead tool of control, and the bill itself does not make it an overhead tool of control.

Mr. BULKLEY. The bill is not very clear as to just what it does; and the Senator himself has agreed that the language of the committee report would have an influence in interpreting the act.

Mr. COPELAND. I wish to say for myself, Mr. President, that I have been assured by my leader that the language of the proposed law does not include the purpose of making the Board one of the tools of overhead management. I could not agree to that statement, but I have been assured that the bill does not mean what has been suggested.

Mr. BARKLEY. Of course, the bill does not mean it, unless it can be said that any organization which is authorized to gather information and report it to the Congress and to the President is a tool. The Board might be interpreted as such a tool. We use the word tool rather indiscriminately and loosely. The Board certainly is not to be re-

garded as an organization which has any authority to interfere with any department or to control it or even to sit in with it as a coordinate power.

The PRESIDING OFFICER. The time of the Senator from New York on the amendment has expired.

Mr. AUSTIN. Mr. President, I support the amendment of the Senator from Ohio [Mr. BULKLEY]. In connection with the debate and colloquy which have just occurred, it is my opinion that the colloquy and the expression of Senators in debate on the floor of the Senate cannot change the terms of the bill and are rarely utilized by the Supreme Court in interpreting a doubtful phrase in an act of Congress. Sometimes the Court utilizes the report of a committee and gives it some weight in interpreting the language of an act of Congress.

I have no doubt that the first impression which Senators have already expressed is exactly what was intended in writing the bill. I say I have no doubt, because, notwithstanding the colloquy, the report of the committee corroborates the first impression.

Not only do I rely upon the sentence referred to on page 18 of the report of the committee:

This bill proposes, as one of the tools of overhead management in addition to personnel and fiscal agencies, a planning management agency.

But if learned Senators will turn to page 19 of the report they will observe the following language, which does more than merely catch the eye:

One of the duties of such a board is to act as a clearing house of planning efforts throughout the United States. There are now over a thousand city planning boards dealing with the planning problems of cities. There are over 400 county planning boards dealing with the planning problems of counties. There are 45 State planning boards engaged in making plans for the best use of State resources. There are some 20 commissions on interstate cooperation organized by the States. There are many other public and quasi-public agencies occupied in planning management. The President can deal most easily with these scattered but important organizations through an agency such as the National Resources Committee, which cooperates with departmental, State, and local authorities and uses its good offices so that planning decisions made by different groups are not made without knowledge of what is going on elsewhere.

Again, on page 26 of the report, the following language appears:

Section 404 prescribes the duties and functions of the National Resources Planning Board. The Board is authorized to investigate, analyze, and coordinate information and material and to initiate and propose plans and planning policies for the development and utilization of the natural and human resources of the Nation.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BORAH. I should like to have the Senator's idea of the phrase "natural and human resources." Is there anything in the United States which would not be covered by that phrase?

Mr. AUSTIN. I cannot conceive of anything in the United States which is not covered by that phrase. Further, I am gravely alarmed at it. Perhaps I have too much concern about it; but when I read subsection (c) of the section dealing with the new Department of Welfare, and realize that it is proposed to set up in Washington a new Cabinet officer, whose function and business will be to see to the administration of laws relating to education in this country, I visualize some of the old fights which I have been through as a lawyer, and which I do not want to see become political in any sense whatever. I do not need to name them among intelligent American citizens. We have dealt with such affairs with diplomacy and with great consideration for each other, and have avoided conflicts about them. Let us not, as a Congress, blunder into them.

When a bill comes to us which creates, as the pending bill proposes to do, a planning board whose function it will be to make plans dealing with human resources, let us not enact such legislation upon the mere statement of learned Senators that the bill does not mean what it says, but means less than

it says. For my part the ambiguity and possible construction of the bill so as to reach the regimentation of human power and the spiritual life of our country are sufficient to condemn it. The bill, in plain language, affects the educational activities of our people.

But here is another thing, Mr. President. Too recently to be forgotten on this occasion, four New England States entered into a compact with respect to the rivers that flow through those four States for the purpose of flood control. It involved some difficulty and required some sacrifice on the part of each State and much labor to make that compact. First, it was necessary to secure from Congress authority to negotiate. Then the States had to deal with the representative of the United States through the War Department, the Army engineer. The four States had to agree upon the proposition laid down by the Federal Government before they themselves could agree with one another. Having done that, and with the entire approval in advance by the Federal Government, through the Army engineer, they went to their own legislatures, and with difficulty performed the service of having the legislatures of the four States enact common acts to coordinate the activities of those States to enable them to cooperate for human relief and protection.

They have been held up for two sessions of Congress. They came back to Congress with this agreement, which is a very fair one, but Congress has held it up and declined to ratify it up to this time. There has been more than a suspicion that the reason why that agreement between those four New England States has been held up is that the administration in Washington was determined to do just what is proposed by the pending bill, namely, to create a control over the resources of the Nation, to nationalize the resources of the Nation, and by means of this type of centralization of authority to deprive the States of the control of the greatest material wealth they have. It is a step further, one more step, toward a totalitarian state. I say the report on the bill points directly to that type of action when it says on page 19:

There are some 20 commissions on interstate cooperation organized by the States.

So, Mr. President, I believe that the amendment offered by the Senator from Ohio should be agreed to; I am very much in favor of it.

The PRESIDING OFFICER. The question is on the perfecting amendment offered by the Senator from Ohio.

Mr. COPELAND. Mr. President, may I present a perfecting amendment at this point?

The PRESIDING OFFICER. There is a perfecting amendment pending. As soon as it is disposed of, the Senator from New York will have an opportunity to offer his amendment.

Mr. BARKLEY. Mr. President, I will say to the Senator from Ohio that, after conferring with members of the committee, we have no objection to the adoption of the amendment to strike out the words "both natural and human."

Mr. POPE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. POPE. I suggest that the words "natural resources as they affect human welfare" would carry out the meaning.

Mr. BARKLEY. The Board can comment on that, anyway, and it is really not necessary to go into every detail with respect to what they may comment on and lay before the Congress and the President.

Mr. BULKLEY. Mr. President, I should like to ask the Senator a question. Does he agree that by making the change suggested, the meaning of the provision will be that the duties of the Board shall relate to study of the natural resources of the Nation, including, of course, such bearing as they may have on human welfare, but that the Board is not to go out into other fields such as have been mentioned—such as price competition?

Mr. BARKLEY. Price competition?

Mr. BULKLEY. Yes; stabilization of prices—price control, fair competition.

Mr. BARKLEY. It is my interpretation of the language, whether the amendment the Senator has offered were

adopted or not—and I have no objection to it—that the Board in gathering information with respect to the resources of the country would be justified in making any comments it saw fit.

Mr. BULKLEY. Yes; but the Senator understands that the primary function of the board is to devote itself to the development of natural resources.

Mr. BARKLEY. Yes; for the purpose of making them available for the enjoyment and for the profit and the advancement of our people.

Mr. BULKLEY. Certainly; and the effect of striking out the words "both natural and human" will be to confine it to that purpose.

Mr. BARKLEY. That is my belief; yes.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BARKLEY. I have already exhausted the time I have on this amendment.

Mr. BORAH. I was going to say that if we insert the word "natural" preceding the word "resources" and strike out the words "both natural and human," the word "natural" should come in on line 10.

Mr. BARKLEY. I do not think that follows necessarily, because any resource that exists, whether a mine, a river, or a tree—

Mr. BORAH. That would be a natural resource.

Mr. BARKLEY. Of course, that would be a natural resource, and of course electrical power would be a natural resource, as water would be a natural resource. Of course, it might be that everything that is a resource is a natural resource unless it is artificial.

Mr. BORAH. But if we strike out the words "natural and human" and still say "the resources of the Nation," we have covered human resources.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Ohio is agreed to.

Mr. CLARK. Mr. President—

Mr. BULKLEY. Mr. President, what amendment is agreed to?

The PRESIDING OFFICER. The perfecting amendment presented by the Senator from Ohio.

Mr. BULKLEY. That includes the insertion of the word "natural" before the word "resources"?

The PRESIDING OFFICER. It does.

Mr. CLARK. Mr. President, before the amendment is voted on, I desire to claim the floor on the amendment to speak about another matter for a moment, inasmuch as it is necessary for me to leave the floor.

Mr. BARKLEY. Mr. President, may I ask the Senator from Ohio whether, in view of the agreement to his perfecting amendment, he proposes to insist on striking out all the sections having reference to the National Resources Planning Board?

Mr. BULKLEY. So far as I am concerned, I am willing to withdraw the amendment to strike out those sections. I want to do that without prejudice, however, to the right of any other Senator who still thinks that the amendment to strike out ought to be offered. But, so far as I am concerned, I am willing to withdraw it.

The PRESIDING OFFICER. Does the Senator from Missouri desire to speak to the pending amendment?

Mr. CLARK. Yes. I desire to claim the time on the amendment for the purpose of taking about 2 minutes in connection with another matter, as it is necessary for me to leave the floor.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. COPELAND. I understand now that we have inserted the word "natural" before the word "resources" and have stricken out the words "both natural and human," so that the clause now reads "the development and utilization of the natural resources of the Nation." Am I correct?

The PRESIDING OFFICER. The Chair will state to the Senator that the Senator from Missouri desires to speak

upon the perfecting amendment, and it has not as yet been acted upon.

Mr. CLARK. I desire to read a telegram which I inject at this point because it is necessary for me to leave the floor temporarily to attend a meeting of the Finance Committee. The telegram has nothing to do with the pending amendment, but I desire to make it of record. It is addressed to me, is signed by Charles W. Holman, Secretary of the National Cooperative Milk Producers' Federation, and reads as follows:

WASHINGTON, D. C., March 24, 1938.

HON. BENNETT CHAMP CLARK,

Senate Office Building, Washington, D. C.:

On behalf of the 350,000 organized dairy farmers represented by our federation, we urge you to vote to recommit the reorganization bill for further study. Under this bill every Government agency in which farmers are interested may be transferred to another department not sympathetic with the problems of agriculture. Any shift in Government agencies dealing with agriculture should be made only after full congressional hearings, debate, and record vote in both Houses. This wire is in line with the historic official position of our federation in the 20 years of its existence.

CHAS. W. HOLMAN,

Secretary, National Cooperative Milk Producers Federation.

While I am on my feet, let me say that the debate over the title now in progress conclusively demonstrates that the members of the committee who reported the bill and this title are not themselves familiar with the scope of the agency which they are setting up; and the claim of jurisdiction which has been made for this agency in the report is a conclusive demonstration of the wisdom of the suggestion of Mr. Holman and other American citizens who are making similar suggestions all over the United States at this time.

The PRESIDING OFFICER. The question is on the perfecting amendment proposed by the Senator from Ohio [Mr. BULKLEY].

Mr. WALSH. Mr. President, may the amendment be again stated?

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 40, line 22, after the words "of the", it is proposed to insert the word "natural", and after the word "Nation" and the comma, to strike out the words "both natural and human."

Mr. WALSH. Mr. President, does that remove from the jurisdiction of the Planning Board any investigation of human resources?

The PRESIDING OFFICER. The Chair so understands.

Mr. WALSH. And confines its activities and scope to simply the natural resources of the country?

Mr. BYRNES. I will say to the Senator that is correct.

Mr. WALSH. I think that is a very important amendment.

The PRESIDING OFFICER. Without objection, the perfecting amendment proposed by the Senator from Ohio [Mr. BULKLEY] is agreed to. Does the Senator from New York desire to offer a perfecting amendment?

Mr. COPELAND. No, Mr. President; that is the amendment I was anxious to have adopted.

Mr. BYRNES. Mr. President, I understand the Senator from Massachusetts has an amendment he desires to offer.

Mr. WALSH. I have. On page 15, line 1, after the word "administration", at the beginning of the line, I move to insert the words "as it may initiate or", so that subsection will then read:

(b) The Board is further authorized to make such investigations and reports with respect to personnel administration as it may initiate or as the President or the Congress may request, and the Board shall make an annual report to the President and the Congress concerning its activities during the year for which such report is made.

I will say in explanation that the language of the bill now limits the Civil Service Board to such investigations of personnel administration as the President or the Congress may

request. My amendment would permit the Board itself to initiate such investigations. I understand the amendment is acceptable to the Senator from South Carolina.

Mr. BYRNES. Mr. President, the amendment is entirely agreeable to me, and I make no objection to it.

Mr. WALSH. I move the adoption of the amendment.

The PRESIDING OFFICER. The amendment is not in order at the moment, as there is a pending amendment.

Mr. BULKLEY. Mr. President, is my amendment proposing to strike out the sections relating to the National Resources Planning Board the one which is pending?

The PRESIDING OFFICER. It is.

Mr. BULKLEY. I withdraw that amendment.

Mr. WALSH. If the Senator withdraws that amendment, I move the adoption of the amendment I have offered.

Mr. AUSTIN. Mr. President, I do not like to see the amendment withdrawn by unanimous consent. I object to that being done. I am not in favor of this portion of the bill even with the amendments which have been adopted to it.

Mr. BULKLEY. Mr. President, it is understood that any other Senator may make the same motion to strike out that part of the bill.

The PRESIDING OFFICER. The Senator's amendment has not been changed, and he has the privilege of withdrawing it. Any other Senator may present the amendment.

That amendment having been withdrawn, the amendment proposed by the Senator from Massachusetts [Mr. WALSH] is in order.

Mr. WALSH. Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH].

The amendment was agreed to.

Mr. WALSH. Mr. President, I should like to make an inquiry of the Senator from South Carolina [Mr. BYRNES].

The officials of the Government Printing Office have conferred with me in reference to the question of whether or not the Government Printing Office is within the jurisdiction of this bill. I think it is generally assumed that the Government Printing Office is not an executive department of the Federal Government. It is one of the few departments that are directly responsible to and under the control of the Congress. The other important organization that is an agency of the legislative department is the Congressional Library. The Government Printing Office officials are fearful lest the use of the general word "agency" in the earlier part of the bill be construed to include them. I have an amendment to provide for their exclusion; but the Senator from South Carolina assures me that there is no purpose or intention to include under the provisions of the bill any agency of the Government that is solely under the jurisdiction of the Congress, and that, in his opinion, the language of the bill does not include, or attempt to include, any control by the President to bring about the reorganization of the Government Printing Office.

Will the Senator from South Carolina, for the purpose of the Record, make clear his position in this matter, and that of the committee?

Mr. BYRNES. Mr. President, I gladly do so.

The position of the Senator from Massachusetts is exactly correct. In the original bill the definition of the term "agency" recognized that either the Library of Congress or the Government Printing Office could be construed as an executive agency; and in the original bill, introduced by the late Senator from Arkansas, Mr. Robinson, they were specifically named and were included. The Senator from Arkansas deliberately included them, and knew that in order to include them he had to name them.

When the committee later considered and reported the bill introduced by me, the committee struck from the section the words "the Botanic Garden, the Library of Congress, the Library Building and grounds, and the Government Printing

Office," so that there can be no doubt that when the bill says that—

The term "agency" means any executive department, * * * independent agency—

And so forth, it does not include the Government Printing Office or the Library of Congress. There can be no question about that. It is not the intention of the committee, and our interpretation of the language is positive in that respect.

Mr. WALSH. Mr. President, in addition to the statement made by the Senator from South Carolina we have the fact that the original bill did include jurisdiction over the Government Printing Office and the Congressional Library; but the committee deliberately and intentionally struck out those agencies for the purpose of removing from the President any jurisdiction under this bill of those two agencies of the Legislature.

Mr. BYRNES. The Senator from Massachusetts is correct. He states the facts exactly as they are.

Mr. WALSH. In view of that fact, I think it is unnecessary to present my amendment. I think the RECORD is clear in that respect.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

Mr. McNARY. Mr. President, what is the parliamentary situation respecting the motion made by the Senator from Ohio [Mr. BULKLEY]?

The PRESIDING OFFICER. The Senator from Ohio withdrew his amendment.

Mr. McNARY. I should like to have that part of the bill read, as amended. Some of us may eventually decide to follow up the abandoned proposal made by the Senator from Ohio.

The PRESIDING OFFICER. The clerk will read the part of the bill relating to the National Resources Planning Board as it has been amended.

The legislative clerk read as follows:

NATIONAL RESOURCES PLANNING BOARD

SEC. 402. (a) There is hereby established in the executive branch of the Government a National Resources Planning Board (hereinafter referred to as the "Board") which shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. At least two of the members of the Board shall be citizens and residents of States west of the Mississippi River. One of the members of the Board shall be designated by the President as chairman, and one of such members shall be designated by the President as vice chairman. The vice chairman shall act as chairman in the absence of the chairman or in the event of a vacancy in that office. The members of the Board shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions of the Board, plus the actual cost of transportation: *Provided*, That in no case shall a member be entitled to receive compensation for more than 30 days' services in any two consecutive months.

(b) The Board shall cause a seal of office to be made for such Board, of such device as the President shall approve, and judicial notice shall be taken of such seal.

(c) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstanding vacancies.

SEC. 403. The Board is authorized to—

(1) Investigate, examine, study, analyze, assemble, and coordinate and periodically to review—

Mr. BARKLEY. Mr. President, the words "and periodically to review and revise" were stricken out.

Mr. McNARY. May I not suggest that the word "coordinate" go out, too?

The PRESIDING OFFICER. The Chair is advised by the clerks at the desk that the words "and revise" were stricken out.

Mr. BARKLEY. That is correct. That is the amendment which was offered by the Senator from Louisiana [Mr. OVERTON].

The PRESIDING OFFICER. The clerk will continue the reading of this part of the bill as amended.

The legislative clerk read as follows:

And periodically to review basic information and materials appropriate to plans or planning policies for the development and utilization of the natural resources of the Nation.

(2) To obtain data and reports from, and to consult with, any agencies of the Federal Government and of any State, Territory, or possession of the United States (including the Philippine Islands), or political subdivisions thereof, as well as any public planning or research agencies and institutions; and

(3) Prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act for presentation to the President and the Congress, or upon the request of the President or the Congress.

Mr. McNARY. Mr. President, I do not care for the reading of the remaining sections and subsections, if no change has been made in them.

The PRESIDING OFFICER. Changes have been made.

Mr. McNARY. Very well.

Mr. BORAH. Mr. President, is the clerk to continue reading?

The PRESIDING OFFICER. The clerk will continue the reading. There have been some other changes.

The legislative clerk read as follows:

SEC. 404. (a) The Board is authorized, without regard to the civil-service laws, to appoint a director, and, subject to the civil-service laws, to appoint such other officers and employees as may be necessary to carry out its functions. The compensation of the director and such other officers and employees shall be fixed in accordance with the Classification Act of 1923, as amended.

(b) The Board shall prepare and submit annually to the President and to the Congress a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendations concerning matters within its jurisdiction as the Board may deem advisable.

(c) The Board is authorized to prescribe—

Mr. AUSTIN. Paragraph (c) is out.

Mr. BARKLEY. That was stricken out.

The PRESIDING OFFICER. The former paragraph (d) is now (c). The paragraphs have been renumbered.

Mr. BORAH. Mr. President, my attention was diverted. In subdivision (b) of section 404 it is provided that the Board shall prepare and submit annually to the President a report. Has that subdivision been amended?

Mr. BYRNES. It has been amended by inserting "and to the Congress."

The PRESIDING OFFICER. The clerk will read the subdivision as amended.

The LEGISLATIVE CLERK. On page 41, line 20, after the word "President", there have been inserted the words "and to the Congress", so as to read:

The Board shall prepare and submit annually to the President and to the Congress a report—

And so forth.

Mr. BORAH. In subdivision (c) of section 403 the words "and to Congress" have also been inserted in both instances, have they not?

The PRESIDING OFFICER. The clerk will read the subsection as amended.

The LEGISLATIVE CLERK. Subsection (3) of section 403 reads as follows:

Prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act for presentation to the President and the Congress, or upon the request of the President or the Congress.

Mr. McNARY. Mr. President, I am still in doubt about the final language employed in section 403, page 40, and I should like to have it again read.

The PRESIDING OFFICER. The clerk will read the language referred to.

The legislative clerk read as follows:

SEC. 403. The Board is authorized to—

(1) Investigate, examine, study, analyze, assemble, and coordinate and periodically to review basic information and materials appropriate to plans or planning policies for the development and utilization of the natural resources of the Nation.

Mr. BORAH. Mr. President, may I ask if in subdivision (2), section 403, line 1, page 41, the words "to cooperate and participate in the work of" have been stricken out?

The PRESIDING OFFICER. They have been stricken out.

Mr. AUSTIN. Mr. President, if it is in order to do so, I should like to move that the section be stricken out.

The PRESIDING OFFICER. The Senator may offer the amendment as his own amendment.

Mr. AUSTIN. I offer that amendment.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Vermont to strike out the entire section.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Vermont whether the Board is to have any further duties than to "investigate, examine, study, analyze, assemble, and coordinate and periodically to review basic information and materials appropriate to plans or planning policies for the development and utilization of the resources of the Nation?"

Mr. AUSTIN. Yes.

Mr. WALSH. What other duties?

Mr. AUSTIN. They are stated as follows in the report of the committee. In the first place, on page 18, it is stated:

This bill proposes as one of the tools of overhead management, in addition to personnel and fiscal agencies, a planning management agency.

That is the interpretation in the first sentence of the report regarding this subject. Then on page 19 it is stated:

One of the duties—

Just one of them—

One of the duties of such a board is to act as a clearing house of planning efforts throughout the United States.

Then again on page 26 it is provided:

The Board is authorized to investigate, analyze, and coordinate information and material and to initiate and propose plans and planning policies for the development and utilization of the natural—

We have stricken out the word "human"—
the natural resources of the Nation.

Mr. WALSH. Is the Board to have any final authority to enact any legislation?

Mr. AUSTIN. Of course not.

Mr. WALSH. Or to perform any executive functions, other than to investigate and report?

Mr. AUSTIN. Oh, yes.

Mr. WALSH. I do not so read the bill.

Mr. AUSTIN. It is to be an executive agency, and it is to have the power to be a clearing house of all planning efforts in the United States.

Mr. WALSH. But it will have power to make a report only?

Mr. AUSTIN. Of course.

Mr. WALSH. In other words, it can suggest changes and planning, but it will not have any final authority or power to do anything binding upon the country.

Mr. AUSTIN. Quite so; it cannot legislate, it cannot appropriate any money, it cannot expend any money, but it can do what has already been accomplished, and more, too; that is, be a propaganda agency to interfere with the interests of the several States and of the people in them.

Mr. WALSH. I agree that the language is rather broad, but it does not seem to me that the Board is to be much more than an investigating or inquiring board, to make suggestions as to the manner and way in which we should protect our natural resources.

Mr. AUSTIN. Mr. President, I recognize the position of the Senator from Massachusetts as a perfectly natural one in view of the subtlety of the language of the bill. I do not think the bill is quite candid in stating its purposes. I think those who reported on the bill were more candid.

Mr. WALSH. I should like to hear the Senator from South Carolina in reference to that, as to just what power the Board will have.

Mr. BYRNES. Mr. President, in answer to the last question of the Senator from Massachusetts, the Senator from Vermont said it would interfere with States. An amendment was offered, which was agreed to, that the Board can collect data or consult the State agencies only with the consent of the State agencies.

The Senator referred to the fact that the report stated that "This bill proposes as one of the tools of overhead management, in addition to personnel and fiscal agencies, a planning management agency." This is the language which follows:

The present measure sets up a National Resources Planning Board consisting of five part-time members, a director, and a small staff, assembled largely from existing United States Government personnel, for the stated purpose of collecting and interpreting data bearing on the future development of our national resources.

That is the language following the sentence quoted by the Senator from Vermont. As the bill is now written, even the power to investigate is limited to natural resources of the country, and when such an investigation has been made all that can be done is to submit the data in the form of a report—originally the bill provided to the President, but by an amendment the report can be made to the Congress, or, upon the request of the Congress, it can assemble data and make a report to the Congress or to the President.

Mr. WALSH. That was my own interpretation, and I thought the injection of the word "human" was most objectionable, but that has been removed. I can see no special objection to a study of our natural resources and the making of reports.

Mr. BYRNES. That is all that is now in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

Mr. BORAH. Mr. President, I shall take only a moment to state my view upon this matter as it now appears, after the amendments have been made.

My principal thought is that what purports to be a provision in the reorganization bill ought to come here as a separate legislative measure. I do not know of anything of more importance or of more difficulty than undertaking and carrying out the study of the natural resources of the country, and the coordination of information in regard to them, so that the information will be effective.

There has been thrown into the Senate as a provision of the pending bill that which should have been a separate measure, which should have been thoroughly investigated; that is to say, extensive hearings should have been held in order that the Senate might know just what should be done in order to accomplish the purpose effectively.

It has been apparent all the afternoon that no study of any moment has been given to this particular subject. It has been apparent that those who are fathering the idea were not certain as to the language they had employed, or as to what authority was to be given to the agency created.

Every department of government has its investigating agency, has an agency for gathering data and getting information concerning the field in which it operates; and if the simple question of coordination is all there is to it, that function could be performed by a competent individual, without any board or without any vast bureau for the purpose. But that is not what we ought to do if we are going into a study of the subject. What we should have done and what we should do now is to eliminate this provision from the pending measure and submit a bill covering the entire subject matter, and have hearings upon it, so that when the measure is enacted it will effectuate something worth while when the work is done.

In my opinion enacting this provision will merely make absolutely certain the expenditure of a million dollars or much more. That is all we will definitely accomplish as the bill is now drawn. While professing to cut down bureaus we create bureaus; while professing economy we provide for greater expenditures. Therefore, so far as I am concerned, I shall vote for the amendment if I have an opportunity to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

The amendment was rejected.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on the engrossment and third reading of the bill.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Hughes	Pittman
Austin	Davis	Johnson, Calif.	Pope
Bailey	Dieterich	Johnson, Colo.	Radcliffe
Bankhead	Donahey	King	Reames
Barkley	Duffy	La Follette	Reynolds
Berry	Ellender	Lee	Schwartz
Bilbo	Frazier	Lodge	Schwellenbach
Bone	George	Logan	Sheppard
Borah	Gerry	Louderman	Shipstead
Bridges	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McGill	Thomas, Okla.
Bulkley	Green	McKellar	Thomas, Utah
Bulow	Guffey	McNary	Townsend
Burke	Hale	Maloney	Tydings
Byrd	Harrison	Miller	Vandenberg
Byrnes	Hatch	Milton	Wagner
Capper	Hayden	Minton	Walsh
Caraway	Herring	Neely	Wheeler
Chavez	Hill	Norris	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, I move that the bill be recommitted to the Select Committee on Government Organization.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. WALSH. In this connection I should like to have certain telegrams which I have in my possession read at the desk. The Senator from Missouri [Mr. CLARK] a few minutes ago presented and had read at the desk, or himself read, a telegram from the dairy associations of the country. I now ask that certain other telegrams be read at the desk.

The PRESIDING OFFICER. Without objection, the clerk will read.

Mr. BARKLEY. Mr. President, before the telegrams are read, will the Senator yield?

Mr. WALSH. I am pleased to yield.

Mr. BARKLEY. I wish to propound a unanimous-consent request.

Mr. President, I ask unanimous consent that at not later than 2 o'clock Monday the Senate proceed to vote on the bill and any amendments that may be pending or may be offered, and any motion, including the motion to recommit, without further debate, and that beginning with the hour of convening Monday, the time shall be equally divided between the opponents and the proponents, to be controlled by the Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH].

Mr. WALSH. That is acceptable to me. I should like to inquire from the Senator, What business are we to take up in the meantime?

Mr. BARKLEY. If that is agreed to, Mr. President, I was going to make a further request that the pending business be temporarily laid aside until 12 o'clock on Monday, with the understanding that we will proceed with the call of the calendar and such other business as may be appropriate in the meantime.

Mr. HARRISON. Mr. President, may I inquire of the Senator from Kentucky whether he proposes that when the Senate adjourns or recesses tonight it recess over until Monday?

Mr. BARKLEY. No. It is desired that the Senate have a session tomorrow, at least.

Mr. HARRISON. I was very hopeful that the unanimous-consent request made by the Senator from Kentucky would include the request that when the Senate recesses it recess over until Monday.

Mr. BARKLEY. Mr. President, I modify my request, because the Senator from Montana [Mr. WHEELER], on account of a death in his family, cannot return by 2 o'clock Monday. I modify the request by making the hour 3 o'clock instead of 2 o'clock.

Mr. HARRISON. Mr. President, I may say to the Senator that I was very much delighted to hear him make his unanimous-consent request. The Finance Committee is trying to work out and formulate the tax bill. It began its work this morning, but finds it impossible to keep all the members of the committee in attendance while the Senate is in session. The tax matter is of such importance that the bill should be formulated and completed as soon as it can be done. I was hopeful that when we recessed today we could recess over until Monday.

Mr. BARKLEY. I would be perfectly willing to agree to that, except that there are certain matters which must be cleared away from the calendar of the Senate before the tax bill is taken up, and in order that we may clear those matters up I feel that we ought to have a session at least tomorrow, and, if necessary, Saturday, although I would attempt in every way possible to avoid a session on Saturday; but there are certain things that have accumulated which ought to be disposed of before the tax bill is taken up. For that reason I hope we may have a session tomorrow.

Mr. HARRISON. The Senator does not desire that when the Senate takes a recess tonight it be until 11 o'clock tomorrow, does he?

Mr. BARKLEY. No; I had not intended to ask that.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. I should like to inquire of the Senator from Kentucky if in his unanimous consent he will include the request that at some place in the program, for instance, after the unfinished business is temporarily laid aside, say tomorrow before the call of the calendar, consideration be given by the Senate to Senate Resolution 251, providing for a Senate investigation of the T. V. A.

Mr. BARKLEY. Mr. President, I do not like to complicate my unanimous-consent request by including too many things, because I am afraid the whole request might be objected to.

Mr. NORRIS. I will say to the Senator that my reason for making the inquiry is that I am afraid that if the pending unanimous-consent request is agreed to then it will probably be impossible for me to get unanimous consent that the bill be temporarily laid aside and the resolution for investigation of the T. V. A. be considered.

Mr. BARKLEY. I will say to the Senator that I am anxious that we take up that matter at the earliest moment and dispose of it. I am as much concerned about it as anyone can be. I am going to cooperate with the Senator to do that. However, I do not feel I am justified in including that in my effort now.

Mr. NORRIS. I do not want to interfere with the Senator's plans, as he knows, and I do not want to interfere with the unfinished business, but I am in this predicament: If I do not object to the Senator's unanimous-consent request, it will mean that I will not be able to have consideration of the resolution until we conclude the calendar. I have already had a talk with the Senator from Oregon [Mr. McNARY] on that question, and he has said to me that if my request is made again to take up the resolution before we take up the calendar he will not object.

Mr. BARKLEY. If anyone objects to the request I have made, we will have to go on in further debate of the unfinished business, which would take up all the time, probably, between now and Monday, and it is in order to avoid that that I am trying to make way for consideration of other business between now and Monday, so we may vote finally upon the pending bill on Monday.

Mr. McNARY. Mr. President, the RECORD will indicate that this morning I objected to the present consideration of the request made by the Senator from Nebraska having to do with the resolution for investigation of the T. V. A. However, I stated that if by unanimous consent or otherwise we should approach the consideration of the calendar, in which I am interested, I would have no objection; in fact, that I would lend my assistance to have taken up the resolution presented by the Senator from Nebraska at the earliest possible time prior to the consideration of the calendar. That

would accomplish my purpose. I want the calendar called; and if the Senator from Nebraska and the Senator from Kentucky and the Senator from New Hampshire desire to have their resolutions regarding the T. V. A. taken up, so long as the status of the calendar is fixed, I shall not object.

Mr. President, does the unanimous-consent agreement contemplate that at 3 o'clock Monday we shall start to vote on all the amendments now pending or which may be offered to this bill, the motion to recommit, and final passage, without further debate?

The PRESIDING OFFICER. The Senator is correct in his statement.

Mr. McNARY. That is, a series of proposals, without any opportunity to debate them, after 3 o'clock?

Mr. GEORGE. Mr. President—

Mr. McNARY. May I have an answer to that question?

The PRESIDING OFFICER. Yes.

Mr. McNARY. That is the interpretation the Chair places upon the request?

The PRESIDING OFFICER. Yes; it is.

Mr. GEORGE. Mr. President, did I understand the Chair to say that the request is to vote upon all the amendments that may be offered?

The PRESIDING OFFICER. It is the understanding of the Chair that the request is that at 3 o'clock on Monday the Senate will proceed to vote on all amendments which may be pending at that time and upon the motion to recommit, and final vote on final passage of the bill, without debate, after 3 o'clock.

Mr. GEORGE. And under that unanimous-consent agreement any amendment might be offered up to 3 o'clock?

The PRESIDING OFFICER. Yes.

Mr. GEORGE. I should be obliged to object to that, Mr. President.

Mr. McNARY. Mr. President, may I question that decision of the Chair? As proposed, an amendment could be offered after 3 o'clock, but debate would cease at 3 o'clock.

The PRESIDING OFFICER. That was the statement of the Chair.

Mr. McNARY. I thought the statement was quite to the contrary.

Mr. WALSH. May I suggest that a time limit be fixed for debate upon the motion to recommit, and that thereafter a time limit of 2 hours be fixed for debate upon the bill itself?

Mr. GEORGE. Mr. President, I shall object to fixing any time limit on the motion to recommit the bill unless the request carries with it some provision which will give the Senate notice of what amendments may be offered to the bill at the very last moment.

Mr. BARKLEY. Mr. President, I do not know how anybody could give such notice. I certainly could not. Personally, I hope no more amendments will be offered; but I cannot guarantee that, of course.

Mr. GEORGE. As I understand in the Senate there is no rule requiring amendments to be germane, except on appropriation bills. If I am correct in that understanding, it would be perfectly competent for some Senator to rise at 2:45 on Monday and offer the antilynching bill as an amendment to the pending bill. I shall have to reserve the right to object to any agreement limiting in any wise the debate on the motion to recommit this measure unless the request is submitted on the basis of pending amendments.

Mr. BYRNES. Why does not the Senator from Kentucky present the request?

Mr. BARKLEY. I did not fully understand the suggestion of the Senator from Georgia.

Mr. GEORGE. My statement was that if the request were that the vote should be taken at 3 o'clock on amendments now pending, and that there were no limitation upon the motion to recommit the bill, I should have no objection to it.

Mr. BARKLEY. I should not feel at liberty to make such a request at the moment, because I do not think it would accomplish the purpose of trying to fix an hour for voting

on Monday so that we may understand that at the appointed hour there will be a final vote, and something else may be taken up in the meantime.

Reference is made to voting on pending amendments. There are no pending amendments. All the amendments which have been offered have been disposed of.

Mr. BYRNES. Mr. President, if the request of the Senator from Kentucky [Mr. BARKLEY] were to vote upon the amendments now pending, upon the motion to recommit, and upon the bill, his request would cover the request of the Senator from Georgia, would it not?

Mr. GEORGE. Yes; it would cover my request. I merely did not want some separate bill offered, for example, as an amendment to this bill, without any opportunity for full consideration.

Mr. KING. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KING. I have been obliged to be in attendance upon the Committee on Finance, and I do not know what amendments have been offered to the pending bill this afternoon, or what disposition has been made of them. If no similar amendment has yet been offered, I desire to offer an amendment to strike out the provision creating a new department; also, an amendment to strike out that part of the bill creating the new department which provides for education to be incorporated within its provisions. I offer these two amendments; and if it may be considered that they are pending, the objection which I should otherwise make may be overcome.

Mr. BARKLEY. The Senator, of course, may offer amendments now, or he may offer them at any other time when the bill is under consideration. No such amendments have been offered up to this time.

Mr. KING. I was merely offering them at this time in keeping with the suggestion of the Senator from Georgia [Mr. GEORGE].

Mr. BARKLEY. I modify my request to this extent: I ask unanimous consent that not later than 3 o'clock on Monday the Senate shall, without further debate, proceed to vote upon all pending amendments, upon the motion to recommit, and upon the bill itself, excluding any possible amendments of the nature of the antilynching bill.

Mr. KING. I desire to have it understood that there are two amendments pending. I move to strike out the provision for a new department and also to strike out the provision therein respecting education. I have not the bill before me, so I cannot identify the amendments otherwise.

The PRESIDING OFFICER. May the Chair ask the Senator from Kentucky what he means when he uses the term "pending amendments"? Does he mean pending now or pending at 3 o'clock Monday?

Mr. BARKLEY. Of course, I cannot cut off amendments which may be offered from 12 o'clock until 3 o'clock on Monday.

Mr. KING. If it may be understood that I may tender my amendments on Monday, the point I make lacks merit.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from Kentucky is not attempting by his request to cut off any amendments which may be offered upon Monday, except an amendment in the nature of the antilynching bill.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Inasmuch as the whole bill is in the nature of a lynching bill, would not the request of the Senator from Kentucky amount to obviating a vote upon the bill itself? [Laughter.]

The PRESIDING OFFICER. The Chair will rule that that is not a parliamentary inquiry.

Mr. BARKLEY. I admire the facetiousness of the Senator from Missouri.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. JOHNSON of California. As I understand, it is proposed to vote at 3 o'clock Monday on the motion to recommit, on all the amendments, and on the bill itself.

Mr. BARKLEY. That is correct.

Mr. JOHNSON of California. I should prefer the suggestion of the Senator from Massachusetts [Mr. WALSH] that we be given a couple of hours after we pass upon the amendments and the motion to recommit—if it shall be rejected—for a last expiring gasp upon the bill.

Mr. BARKLEY. Inasmuch as it had been generally agreed that the last expiring gasp would be at 2 o'clock, and the time was extended to 3 o'clock, I thought ample time would be given for several last expiring gasps before the final vote on the bill. There have been so many last expiring gasps up to date that I am surprised that anybody should want another.

Mr. JOHNSON of California. Oh, no. Heavens! we should want from now until Christmas time if we were to express our opinion of the bill. However, leaving that aside, I think it is not appropriate that we should be compelled to vote upon the motion to recommit and then immediately vote upon the bill. I think a better plan would be to allow some time thereafter for limited debate.

Mr. BARKLEY. Mr. President, inasmuch as 3 o'clock is along toward the end of the day, I am willing to modify the request, and to ask unanimous consent that we vote not later than 3 o'clock upon pending amendments and upon the motion to recommit, and that in the event the motion to recommit is defeated we shall vote upon the bill without further debate at an hour not later than 5 o'clock.

Mr. JOHNSON of California. I should infinitely prefer the arrangement suggested.

Mr. NORRIS. Mr. President, may we have the unanimous-consent request stated?

The VICE PRESIDENT. As the Chair understands the unanimous-consent request of the Senator from Kentucky, it is that on Monday next, at not later than 3 o'clock, the Senate shall vote on all pending amendments and on the motion to recommit, with the understanding that no amendment in the nature of the antilynching bill shall be pending.

Mr. CLARK. Mr. President, reserving the right to object—

The VICE PRESIDENT. The Chair is trying to state the unanimous-consent request of the Senator from Kentucky. As the Chair understands it, the request is that not later than 3 o'clock on Monday next the Senate shall vote on all pending amendments and on the motion to recommit, and that in the event the motion to recommit is rejected the Senate shall vote on the bill itself at not later than 5 o'clock.

The Senator from Kentucky said something about the antilynching bill. If he desires to make that a part of his request, it ought to be so understood.

Mr. BARKLEY. I do not know whether or not such an amendment will be offered; but I can very well understand why Senators might not want to be limited to a particular hour in the event such an amendment were offered. My effort was to exclude such an amendment from the agreement.

The VICE PRESIDENT. The Chair so understood the request of the Senator from Kentucky.

Mr. CLARK. Mr. President, reserving the right to object, so far as I am concerned, I am perfectly willing individually to relieve the fears of the Senator from Georgia [Mr. GEORGE] by saying that I do not intend to offer the antilynching bill as an amendment to this particular bill, although I reserve the right to offer it as an amendment to any other bill at any time. However, it seems to me there should be an opportunity, between now and the time for the final vote, for the presentation of other amendments.

Under the terms of the unanimous-consent request presented by the Senator from Kentucky, we are to pass from the consideration of the bill as soon as the unanimous-consent agreement is entered into; and when the Senate meets on Monday, the time prior to the time when the motion to recommit is voted on is to be controlled by two Senators.

Senators may desire to offer numerous amendments having to do with the bill on which they may not be able to obtain the floor under the agreement. It seems to me some opportunity should be offered for the presentation of amendments prior to the time when we vote on all amendments and on the motion to recommit.

Mr. BARKLEY. I think I can guarantee to the Senator that opportunity will be offered for the presentation of such amendments.

Mr. CLARK. I am perfectly agreeable to the request, but I do not want to be precluded from offering any amendment I may desire.

Mr. BARKLEY. The reason why I suggested the division of the time was because I did not want any one Senator to obtain the floor and occupy it during the whole 2 or 3 hours. I do not know that any Senator would do so, because the limitation of debate now in force would apply until 3 o'clock.

Mr. CLARK. I am entirely in sympathy with the Senator.

Mr. BARKLEY. I think the Senator will be safe in assuming that he will be given an opportunity to offer any amendment which he desires to offer. Either the Senator from Massachusetts [Mr. WALSH] or the Senator from South Carolina [Mr. BYRNES] will be glad to give time to the Senator to offer and debate an amendment.

The VICE PRESIDENT. The Chair will undertake to restate the unanimous-consent request of the Senator from Kentucky. The Chair did not previously have in mind the division of time.

Mr. BARKLEY. That was included in the request as first made.

The VICE PRESIDENT. The Senator from Kentucky asks unanimous consent that on Monday next, at not later than 3 o'clock, the Senate shall vote on all amendments now pending and all amendments to be offered, except so-called antilynching amendments, and that the time be equally divided between the Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH], including the motion to recommit, and that at not later than 5 o'clock, in case the motion to recommit shall not prevail, a final vote shall be had on the bill.

Mr. McNARY. Mr. President, if there is to be a division of time between the opponents and proponents of the bill between the hours of 12 o'clock and 3 o'clock, it should obtain from 3 o'clock to 5 o'clock.

Mr. BARKLEY. I agree to that. That was my intention.

The VICE PRESIDENT. Does the agreement include both?

Mr. BARKLEY. Yes; from 12 until 3 and from 3 until 5.

The VICE PRESIDENT. Then, the Chair will again state the request. It is that on Monday next, at not later than 3 o'clock, the Senate shall vote on all pending amendments and all amendments that may be offered, exclusive of an amendment known as the antilynching bill, but inclusive of the motion to recommit; and that the time shall be equally divided between the Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH] from 12 o'clock until 5 o'clock. Is there objection?

Mr. GEORGE. Mr. President, I must propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GEORGE. If the exclusion applies only to an amendment to the bill in the nature of the antilynching bill would it not be, under the unanimous-consent agreement suggested, the duty of the Senate to vote on the motion to recommit and on the bill itself finally at 5 o'clock?

The VICE PRESIDENT. The Chair understands it would be.

Mr. GEORGE. Then, Mr. President, I am afraid I will have to object. Frankly, the Senate is already operating under a limitation of 15 minutes' debate on amendments, and I do not want to consent to the application of the 15-minute rule on amendments or the fixing of any time to vote upon the motion to recommit, because there is no limitation upon the motion to recommit. If the Senator will agree or if it be now unanimously understood, in the event an antilynching

amendment is offered and is adopted as a part of this bill, that the unanimous-consent agreement on the motion to recommit shall not apply, I should have no objection. That is my position, and under the circumstances I will have to object.

Mr. BARKLEY. I am willing to modify the request to the extent that if the antilynching bill shall be offered as an amendment to the pending bill, the agreement with respect to fixing an hour for a vote on the motion to recommit and on all pending amendments shall not be effective.

Mr. GEORGE. I have no objection, then, Mr. President. The VICE PRESIDENT. The Senator from Kentucky will state his unanimous-consent request. The Chair does not believe he can now state it. [Laughter.]

Mr. BARKLEY. The Chair does not believe the Senator from Kentucky can state it or that the Chair can state it?

The VICE PRESIDENT. The Chair prefers the Senator from Kentucky to state it because of the many suggestions and variations.

Mr. BARKLEY. I ask unanimous consent that at the hour of 3 o'clock on Monday next, the Senate shall proceed to vote on all amendments that are now pending or that may be offered up to that time, and on the motion to recommit without further debate, provided that no antilynching amendment is offered to the bill, and that, in such event, the agreement shall not take effect, and that at the hour of 5 o'clock, in the event the antilynching bill is not offered or adopted as an amendment to the pending bill, the Senate shall proceed then to vote finally on the bill, and that the time shall be equally divided as heretofore indicated.

Mr. LA FOLLETTE. Mr. President, I should like to make a suggestion to the Senator from Kentucky in answer to the statement of the Senator from Georgia. Would he not be satisfied if the agreement provided by unanimous consent that the antilynching bill or any amendment on that subject shall not be considered and shall not be in order? Under the agreement as now phrased all that would be necessary to vacate the unanimous-consent agreement, if it should be entered into, would be for some Senator to offer the antilynching bill as an amendment. It would seem to me that the desire of the Senator from Georgia could be satisfied if the agreement should provide that the antilynching bill or any amendment relating to that subject should not be in order under the unanimous-consent agreement providing for a vote on the pending bill.

Mr. GEORGE. That, Mr. President, will be entirely satisfactory, if it be agreed by unanimous consent that the antilynching bill or anything in the nature thereof shall not be in order as an amendment to the pending bill.

The VICE PRESIDENT. Does the Senator from Kentucky desire to restate the request?

Mr. BARKLEY. Mr. President, I ask unanimous consent, without regard to any other request I have made, that during the further consideration of the pending unfinished business no amendment, either as a substitute or otherwise, embodying the antilynching bill or relating to that subject shall be in order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is ordered. The Chair now believes that the Senate can reach an agreement.

Mr. BARKLEY. Mr. President, now I renew my request that at the hour of 3 o'clock on Monday next the Senate shall proceed to vote on all amendments that are pending or that may be offered and on the motion to recommit without further debate; that at the hour of 5 o'clock, in the event the motion to recommit is defeated, the Senate shall proceed to vote finally upon the bill without further debate; and that the time shall be divided equally, to be allotted by the Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH].

Mr. JOHNSON of California. Make it read not later than 3 o'clock and not later than 5 o'clock.

The VICE PRESIDENT. Not later than 3 o'clock and not later than 5 o'clock.

Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. SMITH. Mr. President, I should like to ask unanimous consent for the immediate consideration of House bill 3638, being Calendar No. 1595, to amend the Agricultural Adjustment Act of 1938.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. BARKLEY. I ask unanimous consent that the pending business be temporarily laid aside until 12 o'clock noon on Monday next.

Mr. CLARK and Mr. NORRIS addressed the Chair.

Mr. CLARK. Mr. President, will the Senator from Kentucky withhold his request for a moment? I should like to offer an amendment and have it pending.

Mr. BARKLEY. I withhold the request.

Mr. CLARK. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Just a minute; the Senate cannot transact business until there is order. This is an important matter. The Chair inquires of the Senator from Missouri if he desires the amendment read?

Mr. CLARK. I believe the amendment can be disposed of in a minute or two, and I ask that it may be read.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Missouri.

The CHIEF CLERK. On page 7, line 18, it is proposed to strike out "prior to July 1, 1940," and insert "within 2 years from the date of the enactment of this act."

Mr. CLARK. Mr. President, the only purpose of this amendment is to change the period within which the President will have authority to exercise the powers granted him under this bill from an uncertain period to a period of 2 years certain after the passage of the act.

Mr. BYRNES. Mr. President, the bill now provides that the power shall vest in the President until the end of the fiscal year June 30, 1940. The amendment of the Senator from Missouri would have the Senate bill accord with the House bill. I have no objection to it.

The VICE PRESIDENT. Without objection, the amendment of the Senator from Missouri [Mr. CLARK] is agreed to.

Mr. WALSH. Mr. President—

Mr. BARKLEY. I yield to the Senator from Massachusetts.

Mr. WALSH. Mr. President, before the Senator from Kentucky presented his unanimous-consent request, I had the floor and desired to ask unanimous consent to have read several short telegrams in connection with my motion to recommit. I yielded to the Senator from Kentucky. I now ask that the telegrams be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the telegrams will be read.

The legislative clerk read as follows:

WASHINGTON, D. C., March 21, 1938.

Hon. DAVID I. WALSH,

Senate Office Building, Washington, D. C.:

The American Federation of Labor urges you to vote to recommit the reorganization bill (S. 3331) for further study and consideration, and in order that those most vitally affected by reorganization legislation may be given an opportunity to be heard and to present information and recommendations.

The reorganization bill now being considered by the Senate is highly objectionable to the American Federation of Labor and its entire membership.

It must be freely conceded that the usual custom of according hearings to those interested in legislation was not followed with reference to this reorganization bill. No hearings were held by the House committee and only a superficial hearing by the Senate committee, at which only the chairman of the committee was present.

The reorganization bill now pending represents a broad and sweeping delegation of congressional authority to the executive branch of the Government. That provision of the bill is highly objectionable to labor. Congress ought to retain all its constitutional authority in conformity with principles of democratic procedure and democratic government. Said power ought to be broadened and extended but never curtailed nor surrendered.

I assure you labor is greatly alarmed over the serious implications involved in this legislation. I sincerely and earnestly appeal to you to vote to recommit the bill for further consideration, study, and analysis.

WILLIAM GREEN,
President, American Federation of Labor.

WASHINGTON, D. C., March 22, 1938.

HON. DAVID I. WALSH,
United States Senate, Washington, D. C.:

The American Federation of Government Employees urgently requests you to vote to recommit for further study and consideration Senate bill 3331, known as the Byrnes reorganization bill.

Searching inquiry respecting provisions contained in the reorganization bill is essential to adequate protection of the best interests of the taxpayers, the Government itself, and those employed by the Government.

Those most vitally affected by reorganization legislation should be given ample opportunity to be heard, whereas opportunity to present information and recommendations has been limited to a superficial hearing by the Senate committee when only one member of such committee was present.

For these reasons the Byrnes reorganization bill is highly objectionable to the American Federation of Government Employees. We, therefore, sincerely and earnestly appeal to you to vote to recommit the bill for further study.

CHARLES I. STENGLE,
President, American Federation of Government Employees.

BOSTON, MASS., March 23, 1938.

Senator DAVID I. WALSH,
Senate Chamber, Washington, D. C.:

The executive committee of the Massachusetts State Grange requests your support of move to recommit the reorganization bill to committee. If this move fails, we believe bill should be killed.

MASSACHUSETTS STATE GRANGE,
By EVERETT W. STONE, Master.

HON. BENNETT CHAMP CLARK,
Senate Office Building, Washington, D. C.:

On behalf of the 350,000 organized dairy farmers represented by our federation, we urge you to vote to recommit the reorganization bill for further study. Under this bill every Government agency in which farmers are interested may be transferred to another department not sympathetic with the problems of agriculture. Any shift in Government agencies dealing with agriculture should be made only after full congressional hearings, debate, and record vote in both Houses. This wire is in line with the historic official position of our federation in the 20 years of its existence.

CHAS. W. HOLMAN,
Secretary, National Cooperative Milk Producers' Federation.

Mr. BYRNES. Mr. President, the reading of the telegram from Mr. Green causes me to make a statement.

Mr. Green has been misled by someone as to the hearings held by the committee. The telegram which has been read was sent to me, and I presume to other Members of the Senate. I understand from the RECORD that the Senator from California submitted it. In the telegram Mr. Green makes this statement:

No hearings were held by the House committee, and only a superficial hearing by the Senate committee, at which only the chairman of the committee was present.

The facts are that I hold in my hand two volumes containing the hearings of the Reorganization Committee upon this bill. They amount to more than 900 pages, and the Senate may judge whether or not that is a superficial hearing.

The telegram says that at the hearings of the committee "only the chairman of the committee was present." That is an unwarranted reflection upon the committee. While it may be a tribute to my industry, it is not fair to the Members of the Senate who served upon the committee.

The members of the committee are as follows:

Prior to the death of the late Senator Robinson of Arkansas, he was chairman of the committee. The other members were the Senator from South Carolina [Mr. BYRNES], the Senator from Virginia [Mr. BYRD], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. HARRISON], the Senator from Oregon [Mr. McNARY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Wisconsin [Mr. LA FOLLETTE].

During the time that the late Senator Robinson was chairman of the committee, I cannot recall a single session

of the committee at which every member of the committee was not present. I know that after the death of Senator Robinson, when I became chairman of the committee, I advised the Senator from Virginia [Mr. BYRD] that open hearings would be held, and that he could call before the committee anyone he desired. He submitted to me a list of names comprising certainly 15 or 20 witnesses. As chairman, I wrote a letter to every witness suggested by him. The witnesses he suggested came before the committee. I know that there was never a single session of the committee which was not attended by the Senator from Virginia, with the possible exception of one day when he was out of the city.

The Senator from Delaware [Mr. TOWNSEND] I believe was present at every session of the committee. Members of the Senate who served with him know how diligent he was in attending sessions of the committee.

I can say the same thing about every other member of the committee; and it is inconceivable to me how Mr. Green could have been so misled as to the facts of the case. But I ask Senators to consult the record which I have in my hand, and which nearly every Senator has in his office; and when they see the questions which were asked day after day by the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. BYRD], and others, Senators can judge of the correctness of my statement.

The explanation of the matter is, in my opinion, the telegram which was subsequently read, signed by Mr. Stengle, because in that telegram the same statement is made, that the hearings have been "limited to a superficial hearing by the Senate committee when only one member of such committee was present." That telegram was sent to every member of the committee. I ask every Member of the Senate to look at these hearings, comprising 900 pages, and see how, day after day, questions were asked by practically every member of the committee, so that in the future they may know the dependence to be placed upon statements of this kind.

In justice to myself and in justice to the committee, I desire to make that statement. I am unwilling to have Mr. Green say that when the committee met I was the only member of the committee present, when the fact is that nearly every member of the committee was present.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. WALSH. I am sure every Senator and every other citizen of the country will accept the statement made by the Senator from South Carolina, in spite of Mr. Green's mistake.

Mr. BYRNES. I am sure of that. I think Mr. Green has just been misinformed.

Mr. WALSH. Yes; I think there is no doubt about it.

May I ask the Senator a question for the sake of the RECORD? I do not know what the fact is in this respect. Were the hearings publicly held, so that persons other than members of the departments of the Government, members of the public, could come into the hearing room?

Mr. BYRNES. I shall be glad to state the fact in that respect.

Over the period from February 16 to April 29, not every day, but on the days set forth in the hearings, the committee was in executive session. There were heard gentlemen representing the President's Committee, and gentlemen representing the Brookings Institution, who were present at the suggestion of the Senator from Virginia [Mr. BYRD].

Mr. WALSH. Is it not probable that Mr. Green was misled by the fact that the hearings were held on the original bill, and that limited hearings or no hearings were held on the bill introduced on the 27th of January?

Mr. BYRNES. I must say that no hearings were held on the subsequent bill.

Mr. WALSH. So no hearings were held on the bill introduced on the 27th of January. Perhaps that is the reason for Mr. Green's statement.

Mr. BYRNES. But I desire to continue my statement. I do not want to stop with my statement as to the hearings in executive session.

Mr. WALSH. I shall be glad to have the Senator make the explanation.

Mr. BYRNES. I think the Senate is entitled to it.

In August the committee agreed that 10 days of open hearings would be held in room 360, with which Members of the Senate are familiar, and to which the public were invited; and among those who attended and testified was Mr. Stengle, who sends this telegram. His testimony appears in the record. I do not now know the page on which it appears; but for 10 days there were open hearings, at which witnesses were present representing the various organizations, and every witness invited to appear at the request of the Senator from Virginia [Mr. BYRD], who was industrious, and presented a number of witnesses each day.

As to the subsequent bill, when the Congress met—

Mr. WALSH. Mr. President, as every Member of the Senate knows, quite often, after hearings, committees report different bills than the original bills. I think both of these gentlemen were misled by the fact that probably no hearings were held upon the bill actually reported, but that is not contrary to the general practice here.

Mr. BARKLEY. Mr. President—

Mr. BYRNES. I wish to make a statement about that matter. The reason why a different bill was introduced was because when the committee met we adopted about 15 amendments; and it has been my observation on other occasions when bills have been reported with a large number of amendments, and the chairman of the committee offers committee amendments, that it is impossible for Members of the Senate to keep up with them and know what amendments have been adopted. Therefore, I proposed to the committee that we introduce a new bill, so that we would have a new measure to be presented for the consideration of the Senate, but in most instances the amendments incorporated in it were clarifying amendments. Only two or three of them affected questions of policy.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I think it ought to be stated also that during the period of the public hearings the press was full of the fact that we were holding hearings, and reports were made daily of the testimony before the committee, and a large number of persons appeared and attended the hearings. We had a pretty good audience all the time during the 10 days or more that we were holding hearings, and nobody who made a request for a hearing was denied an opportunity to be heard on the bill.

Mr. BYRNES. I desire to say further, with reference to that statement, that nobody was denied such an opportunity. I never received from Mr. Green a request in writing for a hearing. I have a recollection that on the day Mr. Stengle testified before the committee he told me that Mr. Green would desire to come before the committee, but that he was out of the city.

The record shows that Mr. Stengle testified on a Saturday. The committee continued in session the next week for 5 days, and I know that thereafter I did not receive from Mr. Green a request to be heard. I assumed that he was out of the city, and accepted in good faith the statement of Mr. Stengle that he understood that Mr. Green did want to come before the committee, but was out of the city.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. HATCH. The Senator has confined his remarks to a telegram signed by Mr. Green. Does not the Senator know that the same statement has been made in other messages from other sources?

Mr. BYRNES. I do not. When I saw the statement, because of my regard for Mr. Green I knew that he was misled, and therefore I made this statement; but, regardless of by whom the statement was made, I am glad to have an opportunity to present the facts to the Senate, show them these 2 volumes of 900 pages, and ask whether there is any

justification or excuse for anyone stating that there were no hearings.

Mr. HATCH. I am glad the Senator has made his statement, because the same assertion has been made in other messages which I have seen; and I think particularly the Federation of Government Employees sent a telegram in which they made the same identical statement.

Mr. BYRNES. Of course one organization of Government employees is represented by Mr. Stengle, who makes the statement in the telegram, and I assume that is the one referred to by the Senator. There are three organizations of Government employees. Two of them favor the bill. Mr. Stengle's organization is opposed to it.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside until 12 o'clock on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 251.

Mr. SMITH. Mr. President, may I ask the leader on this side whether he contemplates taking up the calendar tomorrow?

Mr. BARKLEY. That is the intention.

Mr. SMITH. As everyone knows, if the Senator from Nebraska will permit me, it is very important that there be enacted certain amendments to the Agricultural Adjustment Act of 1938, the amendments being contained in Senate bill 3668. I ask unanimous consent that immediately upon the conclusion of the consideration of the calendar tomorrow the Senate proceed to the consideration of Senate bill 3668.

Mr. McNARY. Mr. President, I think that request is unnecessary. I stated earlier in the day, when the proposal of the Senator from Nebraska was suggested, that I would have no objection to that if we could have a call of the calendar. The Senator from Nebraska has made a motion that the Senate proceed to the consideration of his resolution. I am going to ask unanimous consent that at the conclusion of the consideration of that resolution the Senate proceed with the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that at the conclusion of the consideration of Senate Resolution 251—

Mr. BARKLEY. Mr. President, the resolution has not as yet been taken up.

The VICE PRESIDENT. The Chair so understands.

Mr. BARKLEY. I think the first thing in order would be to decide whether it is to be taken up.

Mr. McNARY. I appreciate that. I am assuming it will be taken up.

Mr. NORRIS. Let us have a vote on it.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska that the Senate proceed to the consideration of Senate Resolution 251.

The motion was agreed to; and the Senate proceeded to the consideration of Senate Resolution 251, providing for an investigation of the Tennessee Valley Authority.

The VICE PRESIDENT. The Senator from Oregon has requested that at the conclusion of the consideration of the pending resolution the calendar be taken up for the consideration of unobjected bills. Is there objection?

Mr. BANKHEAD. Mr. President, reserving the right to object, the chairman of the Committee on Agriculture and Forestry has informed the Senate that time is of the essence in getting some amendments to the agricultural adjustment law enacted. The Senator from Oregon has insisted on the call of the calendar, and we had thought that the consideration of unobjected bills on the calendar would take place tomorrow at the regular time, during the morning hour. I am not seeking in any way to obstruct the motion of the Senator from Nebraska. I am hoping, however, that we can reach some understanding about these little amendments to the Agricultural Adjustment Act, because the other matter may take some time.

Mr. BARKLEY. The bill referred to by the Senator from South Carolina and the Senator from Alabama is on the calendar and may be disposed of during the call of the calendar. If it is not, then I shall be glad to cooperate with the Senator from South Carolina to have it taken up immediately after the call of the calendar.

Mr. BANKHEAD. When will the call of the calendar take place?

Mr. BARKLEY. Tomorrow.

Mr. BANKHEAD. Whether or not the consideration of the resolution of the Senator from Nebraska is concluded?

Mr. BARKLEY. I do not think that will take long.

Mr. BANKHEAD. The consideration of the resolution of the Senator from Nebraska?

Mr. BARKLEY. Yes.

Mr. SMITH. Mr. President, I want it definitely understood that we may have some time between now and tomorrow evening to dispose of the bill making these amendments to the Agricultural Adjustment Act. The administrative features of that act have to be amended in order that the law may be operative, and I do not think it will take very long to consider the bill, but it is just one of those things which must be done in order to carry out the purpose of Congress in passing the farm law.

I had hoped, when I got the floor, that I could obtain unanimous consent that immediately upon the conclusion of the call of the calendar, in the event it were not disposed of in the regular call, we could take up the bill and dispose of it.

Mr. NORRIS. Mr. President, I do not think there will be any trouble about that, because the Senator can move to take the bill up.

Mr. SMITH. I know I can move to take it up, but I wanted to get unanimous consent, if possible.

The VICE PRESIDENT. The Senator from Oregon has made a request for unanimous consent. The Senator from Alabama reserved the right to object. That is the parliamentary situation. Do any other Senators desire to reserve the right to object?

Mr. BANKHEAD. Mr. President, what is included in the request of the Senator from Oregon?

The VICE PRESIDENT. The Chair will state the request again as he recalls it.

The Senator from Oregon has asked unanimous consent that at the conclusion of the consideration of the resolution now pending before the Senate the Senate shall take up for consideration unobjected bills on the calendar. Is there objection?

Mr. BARKLEY. Mr. President, reserving the right to object, will the Senator from Oregon modify his request by adding that if the bill referred to by the Senator from South Carolina shall not be disposed of during the call of the calendar, it may be taken up for consideration immediately after the conclusion of the consideration of measures on the calendar?

Mr. McNARY. That is my request.

Mr. BANKHEAD. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BANKHEAD. Under the unanimous-consent request of the Senator from Oregon, as stated by the Vice President, if the resolution of the Senator from Nebraska shall go over to tomorrow and take up the time on Saturday and on Monday, which is, of course, possible, though I hope it will not, then when would the calendar be taken up?

The VICE PRESIDENT. The Senate would not take it up until it got through with the consideration of the pending resolution.

A request for unanimous consent has been made that at the conclusion of the consideration of the matter before the Senate, Senate Resolution 251, the Senate shall proceed to the consideration of unobjected bills on the calendar, at the conclusion of which, if the Senate has not acted on Senate bill 3668, referred to by the Senator from South Carolina, it shall immediately proceed to the consideration of that bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I offer an amendment to the resolution of the Senator from Nebraska in the nature of a substitute.

The VICE PRESIDENT. The Senator from Kentucky offers an amendment, which the clerk will state.

The CHIEF CLERK. It is proposed to strike out all after the word "Resolved" and to insert the following:

by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a special joint congressional committee, to be composed of five Senators to be appointed by the President of the Senate and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. A vacancy on the joint committee shall be filled in the same manner as original appointments and shall not affect the power of the remaining members to execute the functions incumbent on the joint committee.

Sec. 2. It shall be the duty of the joint committee to make a full and complete investigation of the administration of the Tennessee Valley Authority Act of 1933, as amended, including:

(A) The efficient and economical administration of the act as amended by the Board of Directors of the Tennessee Valley Authority and any of its subordinates.

(B) Any interference or handicaps placed in the way of the prompt, efficient, and economical administration of its functions by internal dissension among members of the Board of Directors of the Tennessee Valley Authority and what effect such dissension, if any, has had upon the work of the Authority.

(C) Whether any member of said Board has held office or is holding office in violation of the act creating the Tennessee Valley Authority, and whether any member of said Board has aided or assisted directly or indirectly any private power company or other private interest in the institution or defense of suits and injunctions affecting the administration of the functions of the Tennessee Valley Authority.

(D) Whether, and if so what, suits have been instigated by any private power company or other private interest seeking injunctions against the activities of the Board; and what effect, if any, such injunctions or suits have had upon the administration of the act according to its terms; what disposition has been made of any such injunction suits and what has been the expense incurred by the Tennessee Valley Authority in defending them; what disposition has been made of such suits in any superior court to which they have been appealed; and what, if any, has been the loss of revenue to the Authority on account of such suits.

(E) Any financial loss to municipalities or farm organizations caused by preventing their purchase of electric power from the Tennessee Valley Authority.

(F) What has been the effect, if any, upon the personnel and organization perfected by the Board under said act by the prosecution of such injunction suits or by the action of any member of the Board in giving aid or assistance to any private power company or other private interest in connection therewith.

(G) Any activities, if any, on the part of any private power company or other private interest in attempting by the expenditure of money or otherwise, the institution of legal proceedings or other means or methods to affect the action or decisions of municipalities or farm organizations in the Tennessee Valley Authority with respect to the purchase of electric power from the Authority.

(H) Any efforts, if any, made by private power companies or other private interests affecting the decisions or actions of municipalities or farm organizations with respect to the purchase of power from the authority or acquiring title to their distributing systems.

(I) The facts as to whether and to what extent, if any, have the public interests been injured or jeopardized by the activities of any private power companies or other private interests in attempting to prevent the Board from executing the provisions of said act.

Sec. 3. The committee shall report to the Senate and House of Representatives as soon as practicable the results of its investigation, together with its recommendations, if any, for necessary legislation. The committee or any duly authorized subcommittee thereof is hereby authorized to sit at such times and in such places in the District of Columbia or elsewhere as it may deem necessary and proper in the performance of its duties. It is specifically authorized to require the attendance of witnesses by subpoena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical and other assistants; and to employ stenographers at the cost of not to exceed 25 cents per hundred words.

The chairman of said committee or any member of a subcommittee may administer oaths to witnesses and sign subpoenas for witnesses, which shall be served by any person designated by such chairman or member of a subcommittee.

The joint committee is authorized to have such printing and binding done as may be necessary and to make such expenditures as it deems advisable within the appropriation hereby authorized. Every person duly summoned by such joint committee or subcommittee thereof who refuses or fails to obey the summons or who fails to answer the questions pertinent to the investigation shall be punished by law.

The expenses of such investigation, not exceeding in the aggregate of \$50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of

Representatives upon vouchers approved by the chairman of the joint committee.

The chairman of the joint committee shall be selected by the joint committee. All hearings, orders, or decisions held before or made by the joint committee shall be public. The joint committee is authorized to utilize the services, information, facilities, and personnel of any department or agency in the executive branch of the Government in the performance of its duties.

Mr. BANKHEAD. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, between lines 17 and 18, it is proposed to insert the following new paragraph:

(10) Whether or not said Authority has complied with that part of subsection (a) of section 8 of such act, as amended, which requires that the principal office of the Authority be maintained in the immediate vicinity of Muscle Shoals, Ala.

Mr. NORRIS. Mr. President, the Senator does not indicate whether his amendment is offered as an amendment to the substitute offered by the Senator from Kentucky or as an amendment to the original resolution.

Mr. BANKHEAD. I offer it as an amendment to the proposed substitute. If the substitute shall not be adopted, then I will offer it to the resolution of the Senator from Nebraska. I now offer it to the substitute.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment to the amendment in the nature of a substitute offered by the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I have no objection to it. I modify my substitute amendment by accepting the amendment proposed by the Senator from Alabama.

Mr. BANKHEAD. I presented my amendment to the Senator from Nebraska [Mr. NORRIS]. He has no objection to it.

Mr. BARKLEY. I wish to make a very brief statement about the substitute which I have offered, and give the Senate my reason for offering it.

I should be perfectly satisfied with an investigation made by any committee that might be appointed by the President of the Senate. All I want is that there shall be a fair and impartial investigation made, which will not attempt to shield anyone in any misconduct or any wrongdoing in connection with the T. V. A. I think all the activities of the T. V. A. ought to be investigated, and that any activities on the part of anyone who has sought to interfere with the administration of the act by the Tennessee Valley Authority is a proper and legitimate subject for investigation, and ought to be included in any investigation that is made.

Mr. President, I believe that under the circumstances the investigation should be made by a joint committee of the two Houses, and I will give my reasons for that belief. Three or four resolutions are now pending in the House of Representatives for a House investigation by a single House committee. The Speaker of the House [Mr. BANKHEAD] and the Democratic leader [Mr. RAYBURN] and I have been conferring about this matter for some days. The House of Representatives feels that it is entitled to share in any investigation that may be had into the Tennessee Valley Authority. The House passed upon the law when it was enacted. Many of the Members of the House are deeply interested in the Tennessee Valley Authority. Whether they are for it or against it, they feel that they ought not to be left out with respect to an investigation that may be had of the Tennessee Valley Authority.

No longer ago than this morning Representative RAYBURN, the Democratic leader of the House, called me up and said that the House had been withholding action until the Senate could take action with respect to the pending resolution, but he authorized me to say—and the Speaker of the House has taken the same position—that if under all the circumstances the Senate sees fit to go its own way and provide a single Senate committee to investigate the Tennessee Valley Authority, on the following day after the resolution has been adopted by the Senate the House will adopt its own separate resolution to hold its own investigation, and that the respon-

sible leaders of the House will aid in the passage of such a resolution.

Mr. President, it seems to me it would be regrettable to make a farce of this investigation. It would be extremely regrettable if two committees, representing the two Houses, should start out and duplicate their efforts to find the facts with respect to the Tennessee Valley Authority. It would mean not only duplication of effort but it would result in a waste of time or a consumption of time on the part of the Tennessee Valley Authority and all those who might be called as witnesses, and all the records and books might have to be carried from one place to another in order to be brought before two separate committees. That would be a waste of time and a consumption of time, it seems to me, which ought not to be approved by either branch of the Congress.

It occurred to me that under these circumstances the wise thing is for both Houses to treat each other on the basis of equal responsibility in the investigation. I would have confidence in any member of a committee which might be appointed by the Vice President of the United States. I would have confidence in the integrity and the fairness of any committee that might be appointed by the Speaker of the House of Representatives, Mr. BANKHEAD. I have no fear that on either side of the Capitol there would be any effort except one in good faith to ascertain the facts, to make a thorough investigation, to make an impartial report, not only so far as the Tennessee Valley Authority is concerned, but with respect to any other questions that may be involved in this investigation. It seems to me that it is the part of wisdom for both Houses to act in conjunction rather than to have two separate committees, and I do not think there is any question whatever that there will be two committees if the Senate passes a separate resolution.

Mr. BROWN of Michigan. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BROWN of Michigan. I agree with what the Senator from Kentucky has said about the matter of time. It seems to me that if a joint committee of 10 is set up, about twice as much time will be spent as would be spent by a joint committee composed of 6 members. It seems to me it would be much better if the number of those on the committee were decreased. If it is desired to save time, it would be better to have a smaller number on the committee. Ten men will ask twice as many questions as five.

Mr. BARKLEY. I think there may be something in the Senator's suggestion. I have no pride as to number, but inasmuch as the resolution in both Houses, the separate resolutions, provided for committees of five, and inasmuch as the other body, of course, is composed of 435 Members, it did not seem to me that five was an unreasonable number to provide for each House.

Those are the facts, and the Senate can act as it sees fit with reference to these two resolutions. I do think it would be extremely unwise and regrettable to have two committees proceeding at the same time to investigate the same institution, and which might make different reports, so that no one would know exactly what the facts were after they had both spent their time and energy in making the investigation and report.

Mr. BRIDGES obtained the floor.

Mr. McNARY. Mr. President, I was going to express the hope that we may not enter upon the consideration of this matter until tomorrow at 12 o'clock. Does the Senator from New Hampshire desire to discuss it at this time?

Mr. BRIDGES. Mr. President, do I understand that the Senator from Oregon would like to have consideration of the matter go over until tomorrow?

Mr. McNARY. I should insist upon that, because a number of Senators are absent who want to read the substitute, and there are a number who wish to be here when action is taken, who are not now present. I appeal to the Senator from Kentucky. Does he want the matter acted upon now?

Mr. BARKLEY. I have no desire to try to conclude the matter this afternoon. The substitute I have offered is a

combination of the resolution offered by the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Utah [Mr. KING] and that offered by the Senator from Nebraska [Mr. NORRIS]. It happens to contain more of the matter set out in the resolution proposed by the Senator from Nebraska because that resolution contained more detail. It sets out in greater detail the things proposed to be investigated than does the resolution offered by the Senator from Utah and the Senator from New Hampshire. I have no desire to conclude the matter this afternoon. It is nearly 5 o'clock, and I think the Senate might as well take a recess.

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. BRIDGES. Mr. President, I agree with the remarks made by the distinguished Senator from Oregon [Mr. McNARY], but I should like, if I may, to place in the RECORD one more thing with respect to one point before the Senate adjourns until tomorrow.

The PRESIDENT pro tempore. If the Chair may state the parliamentary situation, it is as follows. The Senator from Kentucky has the right to modify his own amendment. He has modified his own amendment by accepting the amendment proposed by the Senator from Alabama [Mr. BANKHEAD]. So the amendment offered by the Senator from Alabama is now a part of the amendment offered by the Senator from Kentucky.

Mr. BRIDGES. I will outline what I believe to be the situation in just a moment.

The Senator from Nebraska has submitted a resolution which is a combination of his original Federal Trade Commission resolution and the substance of the King-Bridges resolution for a senatorial investigation, but it excludes the 23 so-called charges which were supplemental to the King-Bridges resolution. The Senator from Kentucky has introduced a joint resolution which is to a large degree similar to the resolution offered by the Senator from Nebraska, providing for a joint investigation. The resolution of the Senator from Kentucky covers the original specifications in the King-Bridges resolution, which were mentioned by the Senator from Nebraska, but not the 23 charges specified. As I understand, the Senator from Kentucky [Mr. BARKLEY] accepted the amendment by the Senator from Alabama [Mr. BANKHEAD].

I have no feeling relative to either a joint investigation or a senatorial investigation. I think there is a good deal in what the Senator from Kentucky has stated about the feeling of the House. But I should like to point out, in fairness to the Senator from Utah [Mr. KING] and myself, who are the sponsors of one resolution with 23 charges, that if the specifications mentioned in the Norris resolution and in the Barkley resolution are eliminated, and a simple statement is made calling for a full and complete investigation of the T. V. A. the desired result can be attained. I think that is the fair way to proceed. If the specifications and charges are eliminated, and a resolution is presented calling for a full and complete investigation of all the phases of the administration of the T. V. A., I shall be glad to support such a resolution.

In order to bring the matter to a head, unless the other Senators concerned are willing to agree, I should like to offer another resolution dealing with the subject in a very general way as a substitute for the original King-Bridges resolution.

Mr. McNARY. I may say to my colleague that his proposal would not be in order at this time.

Mr. BARKLEY. Mr. President, in reply to the Senator, I do not think any resolution which may be offered to investigate the T. V. A. ought to prefer charges. The Senate is supposed to be an impartial body. Under any language the committee can investigate the entire operation and administration of the Tennessee Valley Authority; but the Senate ought not to put itself in the attitude of making 23 charges,

20 charges, or 3 charges with respect to any particular thing anybody may have in mind as being the subject of charges.

We ought not to make charges in a resolution for investigation. We should authorize a full investigation; and if any charges are to be made, the committee itself will make them after it completes its investigation. Charges ought not to be made beforehand.

Mr. BRIDGES. In all fairness, would not the Senator from Kentucky say that the specifications—I do not know that I would call them charges—which have been enumerated in his resolution should be eliminated, and that a broad, sweeping investigation should be ordered? Would not that suggestion be acceptable to the Senator?

Mr. BARKLEY. I think any broad language would authorize the committee to go into anything pertinent to the administration of the T. V. A. Such language might not authorize the committee to investigate what efforts had been made by those outside the Tennessee Valley Authority to control the actions of the Tennessee Valley Authority. I am not certain of that. The specifications were largely copied from the resolution of the Senator from Nebraska, not as exclusive, because they do not limit the committee in investigating anything, but to call the particular attention of the committee to those things, so that they would investigate them, together with anything else they thought pertinent.

Mr. BRIDGES. I may say to the Senator from Kentucky that the 23 specifications, which the Senator from Nebraska said he thought were insulting in some instances, were not charges. They were specific enumerations of matters to be looked into. I did not intend that they should be insulting. However, if we are going to enumerate specific matters to be looked into, I think, in all fairness, the 23 specifications should be looked into as much as the specific matters enumerated by the Senator from Nebraska and the Senator from Kentucky. If we really want an impartial, fair investigation, I think the only fair way to do is to include all of the specifications, or to eliminate them all and merely provide simple language for a broad and sweeping investigation.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. NORRIS. The Senator from New Hampshire and the Senator from Utah [Mr. KING] have already introduced a resolution providing for a joint committee. The same two Senators have introduced a resolution providing for a Senate committee investigation. The Senator did not include his 23 so-called charges in either of those resolutions. Inasmuch as he did not include them, why does he ask his colleagues to include them?

Mr. BRIDGES. I thought it would be fairer not to include them. I thought it would be fairer merely to ask for a general investigation. I will say to the Senator from Nebraska and to the Senator from Kentucky that I still think it would be fairer to include no specific enumeration.

Mr. NORRIS. Neither the resolution of the Senator providing for a Senate investigation nor the resolution providing for a joint investigation makes any reference whatever to some of the things which I think would be excluded from the consideration of the committee. I refer to all the allegations in reference to power contained in the two resolutions. If the Senator's idea were carried out, and a simple resolution were passed providing for a sweeping investigation, I doubt very much whether the committee would be authorized to make any investigation of the specific allegations contained in the other resolutions with regard to investigating any attempt on the part of the power companies to interfere with the activities of the T. V. A., the amount of money spent by the power companies, and the loss to municipalities which have been denied, through injunctions, the use of T. V. A. power. I think if the Senator had his way, all reference to power would be eliminated; and I should not agree to that.

Mr. BRIDGES. I do not want to eliminate anything. I merely want everything to be on an equal basis.

Mr. NORRIS. The 23 so-called allegations, which the Senator calls charges, were published in the Record as a joint statement of the Senator from New Hampshire and the Senator from Utah [Mr. KING]. I assume that the statement was merely a newspaper statement which was printed in the Record at the request of the Senator from New Hampshire. There is nothing in any of the charges which is not included in the broad language of the Senator's resolution itself, is there?

Mr. BRIDGES. I think the language of the resolution itself covers the charges, and I think it covers the specifications of the Senator from Nebraska.

Mr. NORRIS. I doubt that. We are in agreement that the 23 so-called charges are entirely unnecessary, because they are already covered by the Senator's resolution; but I do not think we are in agreement with respect to all the allegations regarding power and the allegations regarding interference with the activities of the T. V. A. by private power companies.

Mr. BRIDGES. Mr. President, let me ask the Senator from Nebraska, the Senator from Kentucky, and the Senator from Utah if they think it is possible, at a conference tomorrow before the Senate convenes at 12 o'clock, to agree on language acceptable to everybody concerned?

Mr. NORRIS. I have no objection to a conference. It is now nearly 5 o'clock. I am perfectly willing to have the Senate take a recess at this time; and if the Senator from New Hampshire wants a conference, or if any of the other Senators want a conference, and it is desired that I participate in it, I am agreeable. I do not want to act upon snap judgment. I am ready to vote now if it is desired to do away with debate, but I am not anxious to do so. I am perfectly willing that the matter shall go over until tomorrow and take its regular course. If a compromise can be agreed upon, well and good. If not, let the matter take its regular course in debate, even though it takes up all of tomorrow.

Mr. BRIDGES. May I ask the distinguished majority leader if he would be agreeable to a conference to see if language acceptable to everyone concerned can be agreed upon?

Mr. BARKLEY. I have no objection to a conference. I will say to the Senator that tomorrow morning I shall have to be in the Finance Committee on the tax bill. Even after we recess tonight, I shall have to be there if the committee is still in session. However, I shall try to find an opportunity to confer with the Senator from New Hampshire, the Senator from Utah, the Senator from Nebraska, or any other Senator. I am always open to engagements.

Has the Senator finished?

Mr. BRIDGES. Yes.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Maj. Thomas Dodson Stamps, Corps of Engineers, to be professor of civil and military engineering at the United States Military Academy with rank from July 1, 1938, vice Prof. William A. Mitchell, to be retired June 30, 1938.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

Nellie Tayloe Ross, of Wyoming, to be Director of the Mint (reappointment);

Stephen M. Driscoll, of St. Albans, Vt., to be collector of customs for customs collection district No. 2, with headquarters at St. Albans, Vt. (reappointment);

Charles I. Lafferty, of Atlantic City, N. J., to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., in place of Ralph W. Wescott, whose term of office expired on February 28, 1938; and

Fred Fisk, of Eugene, Oreg., to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg., to fill an existing vacancy.

Mr. WALSH, from the Committee on Finance, reported favorably the nomination of Joseph McGrath, of Boston, Mass., to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass., to fill an existing vacancy.

Mr. JOHNSON of Colorado, from the Committee on Finance, reported favorably the nomination of Raymond Miller, of Colorado, to be collector of customs for customs collection district No. 47, with headquarters at Denver, Colo. (Reappointment.)

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in their order the nominations on the calendar, with the exception of the one passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters on the calendar are confirmed en bloc.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until tomorrow, Friday, March 25, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24 (legislative day of January 5), 1938

POSTMASTERS

FLORIDA

Jefferson Gaines, Boca Grande.
Betsy R. Rives, Dunedin.
Emma S. Fletcher, Havana.
Morton O. Brawner, Pensacola.

KENTUCKY

Herman A. House, London.
Virginia B. Pittman, Perryville.

MAINE

Charles P. Lemaire, Lewiston.

MICHIGAN

Morton G. Wells, Byron Center.
William H. Cuthbertson, Ludington.
Charles P. Sawyer, Newaygo.
Eva A. Wurzburg, Northport.
Jerome Wilhelm, Traverse City.
John F. Lyons, White Cloud.

NORTH DAKOTA

George B. Vermilya, Towner.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 24, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, the God of Nature and of the human heart, we praise Thee that Thou dost speak to men in the glory of the heavens and in the manifold voices of Thy creation. Thou makest the earth to respond in the brightness and promise of springtime; we pray Thee, Heavenly Father, bless and inspire us with like joy and renewal. Mercifully awaken in us the beauty and glory of divine things. Write Thy law within us, and may our love to Thee make it easy for us to obey. Give us, O Lord, eyes to behold the truth, the moral sense that knows the right, and hearts filled with the gentlest sympathy. Almighty One, in our own land bring men together on the heights of hope where all discords are caught up in the symphonies of brotherhood and service. Let the people praise Thee, let all the people praise Thee. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein an address delivered by the Honorable Louis Johnson, Assistant Secretary of War, to the student body of Bucknell University on March 17.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Fred Pierce Corson, LL. D., president of Dickinson College, Carlisle, Pa., entitled "Masonry and the Spiritual Foundations of the Constitution," at St. Thomas' Church, New York City, under the auspices of the Grand Lodge of the State of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to quote from official records and tables and include them in a speech I am going to make in the Committee of the Whole during the consideration of the War Department bill. I submit this request at this time because I understand that request to include excerpts from documents or quotations from them must be made in the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein quotations from letters.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short newspaper article from the London Sphere.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LETTER WRITTEN BY GEORGE WASHINGTON

Mr. NELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. NELSON. Mr. Speaker, 162 years ago today George Washington wrote the church and congregation of Woodstock, Mass., asking that the pastorate be held open for Abiel Leonard, chaplain in the Continental Army, in order that he might be "employed in the glorious work of attending to the morals of a brave people who are fighting for their liberties, the liberties of the people of Woodstock, the liberties of all America." The original letter, a rare historic document, is now carefully preserved by Mrs. Perry Spencer in the ancestral home, Oakwood, near Fayette, Mo., and in the congressional district which I have the honor to represent.

In explanation of how the letter to which I refer was brought to Missouri I would say that Abiel Leonard, in whose behalf the letter, signed by George Washington and Israel Putnam, was written, was the grandfather of Abiel Leonard, pre-Civil War justice of the Missouri Supreme Court, the Leonard family having moved to Missouri at an early day.

A copy of the Washington letter is here given in its original spelling:

The Church and Congregation of Woodstock:

Mr. Leonard is a man whose exemplary life and Conversation, must make him highly esteemed by every person who has the pleasure of being acquainted with him—the Congregation of Woodstock know him well, it therefore can be no surprise to us, to hear, that they will be Loth to part with him, his usefulness in the army is great—he is employed in the glorious work of attending to the morals of a brave people who are fighting for their Liberties, the Liberties, of the people of Woodstock, the Liberties of all America. We therefore hope—that knowing how nobly he is employed—the Congregation of Woodstock, will cheerfully give up to the public, a gentleman so very useful, and when by the blessings of a kind providence, this glorious and unparalleled struggle for our Liberties, is at an end, We have not the Least doubt, but Mr. Leonard will with redoubled joy, be received in the open arms of a Congregation so very dear to him, as the good people of Woodstock are. This is, what is hoped for, this is what is expected by the Congregation of Woodstock. Sincere well wishes and,

Very Humble Servants,

G. WASHINGTON,
ISRAEL PUTNAM.

Headquarters, Cambridge, 24th March, 1776.

It might be added that the original letter is carefully preserved in the home where it is so highly prized, and with it is a letter from Alexander Hamilton containing Army orders to another distinguished member of the Leonard family, who was a captain in the War of 1812.

(Mr. NELSON was granted permission to revise and extend his remarks and include the letter referred to by him.)

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1939

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes; and pending that, I wish to confirm our understanding that general debate will run throughout today and tomorrow, that the first paragraph of the bill will be read tomorrow, and that the bill will be read under the 5-minute rule on Monday.

Mr. POWERS. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from New Jersey.

Mr. POWERS. May I inquire of the gentleman from Pennsylvania [Mr. SNYDER] whether or not the time is to be equally divided?

Mr. SNYDER of Pennsylvania. It is to be equally divided between the gentleman from New Jersey [Mr. POWERS] and myself.

Mr. Speaker, I ask unanimous consent that general debate on this bill may continue during today and tomorrow, the time to be equally divided between the gentleman from New Jersey [Mr. POWERS] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, and I do not intend to object, but I should like to ask a question. Is it the intention to vote on this bill Friday, Saturday, or Monday?

Mr. SNYDER of Pennsylvania. The understanding was had yesterday that we would start to read the bill Monday under the 5-minute rule and vote on it finally before we adjourn Monday evening.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. SNYDER] that the House resolve itself into the Committee of the Whole for the consideration of the bill H. R. 9995.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9995, with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield myself 1 hour.

Mr. Chairman, we have heard a great deal of late about national defense. I fear some of you may have been persuaded to a contrary view, but the fact remains that the Navy is but one element of our defense establishment.

If the past be any criterion, the Army continues to be the component branch upon which we must depend to bring armed conflict to an end. As my distinguished colleague from Michigan [Mr. ENGEL] expressed it during the course of our hearings on the Army's budget:

Wars are won by the man who has a rifle in his hands.

You will find the whole of Mr. ENGEL's observation on page 741 of the hearings. History confirms what he there says.

It is to the military branch of our defense establishment I now wish to direct your attention. Yesterday, by direction of the Committee on Appropriations, I reported the Military Establishment appropriation bill for the fiscal year 1939, and I shall endeavor, within the time at my disposal, to explain to you as clearly and concisely as I can its salient features and how the subcommittee, of which it is my privilege to be chairman, has treated the proposals which came to us by way of the Budget.

Possibly I should remind you, before proceeding further, that the President informed us in his message of January 28, 1938:

That our national defense is, in the light of increasing armaments in other nations, inadequate for purposes of national security and requires increase for that reason.

That message preceded the opening of our hearings by 3 days. I cannot truthfully say that his admonition created a different perspective for us as we approached our task, because those of us whose duty it has been to delve into the state of our Military Establishment have entertained the view expressed by the President for some time.

I am happy to say that the President did not stop with his message, but a few days later—on February 7, 1938—supplemented his original Budget recommendations with an estimate of \$16,880,000 to make effective the specific recommendations contained in his earlier message which do not require advance authorization.

These supplemental estimates provide for an additional amount of antiaircraft matériel; gages, dies, and other aids to the manufacture of Army matériel, and for some augmentation of ammunition. They are a step in the right direction, but I am frank to say leave much to be provided in the way of essential equipment which cannot be procured or produced in a day, or a month, or a year.

When I say that, I am not speaking in terms of an Army of great proportions. I am speaking of the equipment immediately necessary, and of reserves of a multiplicity of items

needed to bridge the gap between M-day and when an adequate flow from manufacture might be expected to begin, for a force of approximately 400,000 men, to be composed of existing Regular Army and National Guard organizations, plus available members of the enlisted reserve force contemplated by legislation now on the calendar, which is being proposed in consequence of a recommendation made by the President in his message to which I adverted a moment ago.

Do not gain a false impression from that statement. We are today in possession of Army matériel of divers kinds which would meet the immediate needs for such classes of matériel of a force of much larger proportions. My statement applied to deficiencies now existent to round out the needs of a force of 400,000 men.

Such a force has been determined upon by the War Department as the initial one we should have available and ready in the event of national emergency. A study just recently concluded of war-reserve needs has resulted in the adoption of a so-called protective mobilization plan comprising three objectives as to personnel and matériel. The first, or initial protective force will consist of approximately 400,000 men, as I have already mentioned; the second will be a balanced all-purpose force of approximately 730,000 in units, and an additional strength of 270,000 for replacements or for the formation of additional units, and the third, the augmentation of the second objective to a total of 1,550,000, if and when such measure of expansion should appear warranted. Thus it may be said, we have for the first time, since contraction all along the line followed in the wake of the World War, a definite personnel and matériel program upon which military defense preparation may proceed. In my judgment, it is the biggest thing that has happened in the War Department for a number of years and we owe a debt of gratitude to General Malin Craig for bringing it about. [Applause.]

In order that you may more fully comprehend the proposition in its matériel phase—and I think it is very important that you should because we are going to be guided very largely by this plan in what we do in the future—I am going to read to you a portion of General Craig's testimony. If you wish to read with me, I shall begin with the last paragraph on page 6 of the hearings.

Said General Craig:

As a basis for the establishment of war-reserve requirements all munitions of war physically present within the United States, in depots, in the hands of troops, and in local storage at posts, camps, and stations are considered as war reserves. Commercial stocks that are immediately available are also considered as potential reserves. In time of peace it is believed to be unwise and economically impracticable to attempt to maintain in reserve all of the items necessary for a wartime force. Peacetime procurement of munitions of war should include only those "critical" items for which suitable substitutes do not exist and which are unobtainable from any source in the time and quantity required.

The immediate peacetime procurement objective, therefore, is to provide such "critical" items for the initial protective force.

The ultimate peacetime objective is to provide the "critical" items required for the augmented force which I have described as the second objective in mobilization of personnel.

Peacetime procurement planning will provide for the coordinated production, after the outbreak of an emergency, of additional material required for larger forces and for prolonged war consumption.

As I have stated, the war reserves to be procured in time of peace will consist only of those items which otherwise could not be obtained in the quantity and within the time required. General priorities may be classified as follows: A reasonable amount of ammunition for weapons on hand to be used by the force under consideration; weapons for which there is no substitute; other critical items.

The results which have been accomplished by the establishment of the present plan may be summarized as follows:

While the strength of the ultimate force for which reserves are to be established in time of peace remains at approximately 1,000,000 men, the requirements in war reserves has been reduced in cost by approximately \$1,000,000,000.

Objectives in personnel and matériel are progressive and in harmony with each other.

War-reserve requirements are definite and reasonable.

That, it seems to me, is a very clear and concise explanation of the plan.

To the extent that we possess matériel in excess of the requirements of the initial protective force, the bill before you carries funds for its preservation and maintenance; it also includes provision for a limited amount of critical items of war equipment for 6 of the 20 inactive Regular Army antiaircraft regiments; and, of course, the manufacturing equipment for which provision is made to facilitate production in time of emergency looks to needs beyond those of the initial protective force. In other respects, the pending measure is confined to personnel and matériel needs on account of such initial force, which, as I said earlier, lacks much in matériel directions the supply of which should not be long deferred.

The bill which we present for your consideration carries a total of \$447,808,555, which amount exceeds the sum of current appropriations by \$32,545,401 and is \$5,480,280 less than the estimates which the committee was called upon to consider. It is only fair to say, however, that we have made reappropriations amounting in all to \$3,670,476, in place of new appropriations, which means that from an availability standpoint the bill provides for \$1,809,804 less than the Budget estimates. The reappropriations, in all cases, are of amounts of current-year appropriations which have been administratively withheld from obligation.

We also resorted to contractual authority in a number of instances in lieu of a like amount of new appropriation. We did this because it appeared that the money would not be required for disbursement prior to the fiscal year commencing July 1, 1939. It was this substitution which enabled us to finance the net increase we are proposing of \$2,360,396 and still remain nearly \$2,000,000 within the total of Budget submissions independently of the fiscal reductions resulting from reappropriations.

The estimates the committee was called upon to consider included increases over current appropriations totaling roundly \$41,400,000. That is a very considerable increase—approximately one-tenth of the sum of current appropriations. Included in that amount is the \$16,880,000 recommended by the President to effectuate the recommendations contained in his national-defense message of January 28 last. I have already discussed that matter. Of the remaining \$24,000,000 plus, roundly \$18,000,000 grows out of the approach of the Air Corps to its objective, fixed in the act of June 24, 1936, of 2,320 serviceable airplanes—2,149 for the Regular Army and the Organized Reserves, and 171 for the National Guard.

Including the 476 planes provided for in this bill, the prediction is that the authorized objective will have been reached by July 1, 1940. That \$18,000,000 is not all included under the Air Corps head. It is composed of amounts carried under several appropriation heads. The amount included in the Budget directly under the Air Corps is \$70,556,072. An additional amount, upward of \$43,000,000, is carried under other heads. It may interest you to know that approximately 28 percent of the amount carried in the Budget and in the pending bill is chargeable to the air arm, and we have not yet reached the peak. The total annual charge of maintaining an air force of the proportions at present authorized has been estimated to be \$144,000,000. How dependable that estimate is I am sure I do not know, because it is based upon so many factors which are continually changing.

As of December 31, 1937, including the National Guard and the Organized Reserves, the airplane situation was as follows:

Project airplanes on hand.....	1,226
Project airplanes on order.....	1,022
Project airplanes remaining to be ordered.....	103
Total.....	2,351

The 476 planes for which this bill provides raises that number to 2,827. These figures exclude nonproject planes on hand, obsolete but usable, to the number of 475, which will be discarded as deliveries of new planes are made.

I have accounted for approximately \$35,000,000 of the Budget increase—first, the supplemental estimate, and, sec-

ondly, military aviation. The remainder falls principally under five heads, namely: Pay of the Army, \$2,800,000, such sum excluding increases chargeable to the Air Corps; travel of the Army, \$250,000; the Quartermaster Corps, \$2,400,000, applying to a variety of objects, more than half in the item of clothing and equipage; seacoast defenses, \$810,000; and the National Guard, \$200,000, such sum also excluding the increase chargeable to the Air Corps.

The pay item is responsive to annually recurring adjustments under laws governing pay and allowances of personnel. No increase in the number of officers or enlisted men is contemplated; in fact, the 12,300 officers for which the Budget and bill provide represent a reduction of 50 in the number appropriated for the present fiscal year.

The current appropriation for travel is not adequate. The committee has approved the Budget increase of \$250,000, and then, to meet an existing shortage, has made that amount and more, by \$36,000, immediately available. Of course, this means that the amount that will remain for obligation during 1939 will need to be supplemented at a later date.

The Quartermaster increase is occasioned by a number of factors, the largest single item being \$885,722 required partly to restore depleted stocks of articles of clothing. Higher commodity costs have a hand, particularly as to forage. We also met with increases responsive to the expansion of enlisted personnel, which began in the fiscal year 1936.

The seamen's strike in 1936-37 has made necessary an advance in wages of employees identified with marine activities under the cognizance of the Quartermaster Corps, and there is added expense incident to the new Sacramento Air Depot and Hickam Field in Hawaii. The items themselves are too numerous to mention, but I have given to you the principal underlying causes.

The increases touching seacoast defenses and the National Guard I should prefer to account for later.

If you will turn to page 7 of our report on the bill you will find set out there every money change made by the committee in the Budget estimates except the reappropriations and substitutions of contractual authority, which, as I heretofore have stated, have been made or provided in lieu of a like amount of new appropriation.

In many cases those items speak pretty much for themselves. I shall not attempt to discuss all of them.

I first direct your attention to the changes under the head of military posts.

The act approved August 26, 1937, authorized numerous projects in the United States, Panama, and Hawaii to cost, in all, not to exceed \$25,587,456. No other construction not heretofore fully provided for is authorized, except under the terms of the so-called Wilcox Act, and the projects authorized by the act of May 14, 1937, at the Savanna Ordnance Depot and Camp Stanley, Tex. An initial appropriation was made on account of the latter in the current Military Establishment appropriation act.

The Budget proposes appropriations aggregating \$9,348,517 under the three acts I have cited; and, if you will turn to page 11 of the report, you will see a table in which we have itemized the estimate and itemized the action which we are submitting for your approval. We have omitted two items and we have added three items, and we have added to one item. There are four items where we have substituted contractual authority in lieu of a like amount of new appropriation. In those cases it is quite unlikely that a greater amount of cash than proposed by the committee will be needed for disbursement prior to July 1, 1939. Should that not prove to be the case, the deficiency can be met by making immediately available a portion or all of the amount included in the 1940 Budget for or on account of such items.

The runway item at Fort Leavenworth has been eliminated by the committee because it considers it to be in a desirable but not essential category. This is not a regular air post and the committee feels that for the type of planes ordinarily used at Leavenworth, primarily for Air Corps officer students at the school to keep up their flying proficiency, the project should not be urged at this time.

The increase proposed by the committee for the water-system project at Fort Benning is strongly recommended. During the summer training season of members of the civil components there is a population on the post of around 10,000. Normally the population is upward of 6,000. The present water system at the post—and there is no auxiliary supply—is of such construction as to certain phases as to warrant concern as to a complete break-down or an extended suspension of service. I went over the plant last fall and know whereof I speak. The entire system needs to be rehabilitated and improved, the estimated cost of which is \$450,000. The Budget carries only the amount stipulated in the act of August 26, 1937, namely, \$180,000. The committee is advised that if the whole job were done at one time a saving of approximately \$114,000 would ensue.

The Fort Sill item, which embraces \$300,000 for barracks and \$1,000 for telephone construction is not deemed to be of pressing importance; certainly not as much so, in the judgment of the committee, as a number of authorized projects for which the Budget includes no funds.

The committee is advised that an urgent need exists for noncommissioned officers' quarters at Fort Barrancas, Fla., and at the Army and Navy General Hospital at Hot Springs, Ark. It is recommending appropriations for the provision of such quarters as are authorized in the Housing Act approved August 26, 1937.

The addition proposed for the intermediate air station at Connellsville, Pa., authorized by the Wilcox Act, is designed to provide essential facilities at that recently established station, the former station in this area at Uniontown having been abandoned primarily because of the unsuitability of the terrain for development to accommodate the larger military planes which fly the route between Washington and Dayton, and other points to the West and Northwest.

Dropping down in the itemization on page 7 of the report to the National Guard, on the basis of subappropriation totals and not projects within such subappropriations, the Budget proposed a gross increase of \$1,304,276, and a net increase of \$1,062,918 on account of this organization. Of each of those amounts, \$574,425 is contained in the supplemental estimate presented in consequence of the President's message of January 28, which in conjunction with a like amount included in the regular Budget will supply all critical items of ordnance antiaircraft equipment for 7 of the 10 active antiaircraft regiments of the National Guard and the training equipment for the remaining 3 regiments. This is a substantial step forward. Approximately \$9,000,000 remains to be appropriated completely to equip the 10 regiments. Other major items of increase proposed in the Budget on account of this component are (1) \$617,744 in anticipation of an increased attendance upon armory drills and training camps; (2) \$539,304 to go forward with the aviation program looking to the possession of the full quota of 171 planes by July 1, 1940; and (3) \$239,100 for the procurement of motor vehicles. There is an offset of \$1,147,879 against these Budget increases by reason of the completion this year of the project to supply prime movers and adapters for 155-millimeter field artillery.

The committee has acceded to all of the Budget proposals and submits for your approval additions thereto totaling \$1,355,237, as follows:

Purchase of 250 horses, and forage therefor.....	\$85,000
Purchase of motor vehicles.....	400,000
Purchase of overcoats.....	320,237
Purchase of other articles of clothing.....	300,000
Procurement of 2,500 semiautomatic rifles.....	250,000

With the exception of the semiautomatic rifles, all of these projects were advocated by the National Guard Association. As to the rifles, the committee feels that it is most important that the riflemen of the National Guard be provided with this superior weapon and is proposing itself the initiation of a program with that end in view.

The Budget includes provision for the purchase of 747 horses for the National Guard. The increase added by the committee will permit of the purchase of about 1,000 animals, which should result in appreciably reducing the high aver-

age age of National Guard animals. The approved total allowance is 4,784.

The current year allocation for new motor vehicles is \$210,090. The Budget carries \$500,000 for 1939 and the committee, at the instance of the National Guard Association, has raised the amount to \$900,000, which is both for replacement and augmentation. This item may be expected to expand, as much of the equipment now on hand—9,270 vehicles—has reached or is fast approaching an uneconomical maintenance condition.

The Budget includes \$648,500 for overcoats. Completely to equip the National Guard with overcoats would require an additional amount of \$892,149. However, with an addition of \$320,237, the committee is advised that this item of apparel can be supplied to all troops in latitudes where it is most essential, and the committee is recommending that course. Such sum is \$159,763 less than recommended by the National Guard Association for appropriation at this time.

For articles of the uniform, other than overcoats, the Budget proposes \$1,547,316. The National Guard Association urged an additional amount of \$600,000, for the reason that the allowance of \$7 per man, which prevailed in the fiscal year 1937, is not adequate, properly and decently and comparably with members of the Naval Reserve, to outfit members of the National Guard, and that is particularly true since there has been an advance in the cost of articles of the uniform. The committee is proposing the addition of one-half of the increase advocated by the National Guard Association.

The Budget and bill provide for an increase in the strength of the National Guard from 200,000 to 205,000 officers and men. The current appropriation act provides for such expansion, to be effectuated subsequent to March 31, 1938, but the \$500,000 provided for the purpose has been administratively withheld from obligation. The pending proposal looks to the expansion occurring after March 31, 1939. In other words, there will be a delay of just 1 year.

For the tremendously popular C. M. T. C. activity the Budget proposes an appropriation of \$1,000,000, or \$1,275,000 less than is available the present fiscal year. Concurrence in that proposal would mean reducing the number of trainees from well upward of 30,000 to a number less than 15,000. The committee is confident the House is not in sympathy with such a proposition. With an expenditure of \$2,047,500 the present fiscal year, training has been given to 32,522 young men. The Department estimates that it could have trained 35,000, had it been permitted to expend the entire amount of the current appropriation. The committee is recommending an appropriation of \$2,275,000, the same as made for the current fiscal year.

Before leaving the subject I earnestly invite your attention to the statements made to the committee regarding the value of this activity by a number of prominent citizens from different sections of the country. They begin on page 690 of the hearings. I should like, particularly for you to read the statements of Mr. John P. Frey, of the American Federation of Labor, and Mr. Stephen A. Park, of Milwaukee, Wis.

Dropping down to the last item on page 7 of the report you will see that we are proposing to restore to the current year level the appropriation employed in the conduct of civilian rifle clubs and the national rifle matches, which are held each year at Camp Perry, Ohio. It seemed to the committee unwise to curtail this activity at this time. To meet the reduction recommended in the Budget would necessitate a reduction in the number of teams attending the national matches and the rendition of service as range officers of members of the National Guard and Organized Reserves without compensation. The latter might very easily occasion some disruption of the matches.

Among others, the committee has written the bill in the Budget figures for the Air Corps, the Ordnance Department, and seacoast defenses.

Regarding the Air Corps, I should inform you that we have made changes within the Budget total. The Budget looks

to the provision of 75 percent spare engines for new airplanes and carries \$1,862,548 as the added cost over the 50-percent allowance now obtaining. The committee is not impressed with the need at this time to go beyond the 50-percent rate. It is our thought that the added amount for spare engines should be employed in two ways. First, that \$1,691,044 should be used to supply a shortage in the current appropriation for spare engines, plane spares, and engine spares. The bill provides for that to be done. Secondly, that the remaining amount—\$171,504—should be tied in with a program to be initiated out of current unallotted experimental and research funds, understood to be around \$600,000, of experimentation with recently developed less costly and more expeditious processes of airplane production, and a portion employed in the procurement of additional autogyros for further study of their value for military purposes.

For ordnance, the original Budget estimates actually provided for less than do current funds. For rearmament and reequipment the original estimates provide for \$5,097,426, which is nearly \$500,000 less than the amount appropriated for the current fiscal year. It is true some programs have been completed, but there are others involving critical items not completed and still others just being initiated. The supplemental estimate has helped the situation quite substantially. Over \$14,000,000 of the total of \$16,880,000 falls under the Ordnance Department. Of that amount \$6,392,062 is earmarked for critical items of antiaircraft equipment, \$1,425,000 is for augmentation of stocks of ammunition, \$5,780,000 is for machinery and equipment to facilitate production of various kinds of ordnance material, and \$575,000 is for replacement of losses in stocks of ammunition. The antiaircraft allocation is particularly appealing because that is genuine defensive preparation of an essential character, which is much in arrears and needs very sizeable additional appropriations to provide the equipment deemed to be adequate by our military experts.

I shall not dwell at length upon seacoast defenses. My colleague [Mr. DOCKWEILER], I understand, intends to address you upon that subject. It is one about which little may be said in public. I may say that I have here a complete exposition of the whole matter, supplied for the confidential information of members of the committee by the War Department, and I shall take the responsibility of permitting any Member to consult it who will agree to observe its confidential character.

Of the total amount recommended by the Budget and the committee for seacoast fortifications—namely, \$6,748,558—\$5,193,547 will be applied to augmentation, which will be a larger amount by \$1,591,654 than will be so applied during the current fiscal year. I may say also that the west coast situation has been very greatly improved since this committee, following an inspection of those defenses, initiated a program in the fiscal year 1937 to develop more rapidly the defenses on that coast, as well as in Hawaii and Panama.

Mr. Chairman, I have consumed considerable time, confining myself almost entirely to outstanding items and propositions. I feel that I must conclude, but I shall be more than pleased, upon request, to present any further information at my command when the bill is being read following the conclusion of general debate.

It seems to me we have brought to you a measure which you will have no hesitancy in supporting. If you feel as I do, you would wish to see more generous provision in a number of directions. It may interest you to know that the bill imposes a per-capita levy of something less than \$3.40, which is way below that of any other world power, despite the fact that we pay our soldiers a wage instead of a conscription pittance, and that all material used is the product of highly paid American labor.

Irrespective of the cost, a proper measure of national defense is one of the first essentials of government. It is the responsibility of the legislative committees to recommend measures that will provide us with a defense establishment

made up of military and naval elements harmonious with each other and adequate to the assurance of our national security. I should like to stress that word "harmonious." It is the responsibility of the Appropriations Committee to recommend appropriations to effectuate such measures, and to see, as best it can, that the Nation will get value received in the expenditure of the funds made available. I am convinced that we do and shall continue to under the present leadership in the War Department.

I thank you. [Applause.]

May I make one further observation, and that is that I look upon this measure I present to you today, which involves a total of \$447,000,000, as the annual premium due June 30, 1938, on our national security policy. The doctrine of preparedness was first handed down and mentioned by George Washington in his first inaugural address to Congress when he stated that we should carry an appropriation each year for national defense purposes. It was later stated by no other than Abraham Lincoln that we should have at all times an adequate national defense set-up, and later emphasized by Theodore Roosevelt that our national defense should always be adequate. Of course, it is not necessary to say this has been further emphasized by the present President of the United States, Franklin D. Roosevelt.

So I plead with you to cooperate in every respect in seeing that the United States of America has adequate national defense institutions at all times, because we will always have peace with the rest of the world if we keep our national defense sufficiently strong. Nations are never attacked when they are fully prepared for any emergency.

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, may I make a brief statement on behalf of my Republican colleagues on the Ways and Means Committee. It will be recalled that a year ago a motion was voted down in that committee in relation to hearings on the bill H. R. 4199 and similar measures. The vote was 7 Republicans unanimously in favor of holding hearings on that measure and 18 Democrats against. I understand that within the past day or two a meeting of the Democratic members of the Ways and Means Committee has been held and it was decided not to have a hearing on that or similar measures, although 141 Members of the House, I am informed, have written letters to the chairman of the Committee on Ways and Means asking for such hearing.

My colleagues on this side and myself stand ready at any time to join in listening to our colleagues who desire to be heard on this subject. I do not take sides on the merits of the question, but I do say some courtesy should be extended to our fellow Members, and that the request of 141 Members to be heard ought to be tantamount to a definite hearing before the committee. It seems to me the blame for lack of courtesy to our fellow Members must rest on the Democratic members of the committee, who did not notify any Republican member they were going to have a meeting at which this subject would be considered. I make this statement in order that the House and particularly the 141 Members who requested a hearing may know the attitude of the Republican members of the Committee on Ways and Means. I repeat, we stand ready to participate in such a hearing at any time.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. If the Republican members of the Committee on Ways and Means are given an opportunity to vote on the proposal to hold hearings, we pledge seven Republican votes for holding the hearings.

Mr. TREADWAY. I believe I definitely stated, Mr. Chairman, we were given no opportunity to act one way or another; but we stand unanimously for hearings.

Mr. POWERS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

LET THE PRESIDENT PERFORM HIS CONSTITUTIONAL DUTY

Mr. HOFFMAN. Mr. Chairman, in his letter to the Congress of the United States, transmitted yesterday, the President, after advising Congress that he had removed Arthur E. Morgan as a member and Chairman of the Board of the Tennessee Valley Authority, said that it was clearly the right of Congress to undertake at any time any fair inquiry into the administration of the Tennessee Valley Authority or its policies, and then stated:

But I cannot in the meantime abdicate my constitutional duty to take care that the laws be faithfully executed.

Beyond question, the President referred to that provision of the Constitution, article II, section 3, which provides that the Chief Executive "shall take care that the laws be faithfully executed."

On December 30, 1936, armed forces from other States invaded the State of Michigan, took possession of and held to ransom industrial plants in that State and drove thousands of men from their work.

Armed men crossed the borders of the State; denied to the citizens of Michigan the equal protection of the laws; interfered with interstate commerce; brought about insurrection against the laws of the State; were guilty of violence, unlawful combination, conspiracy to obstruct the laws of the United States and the execution thereof.

They impeded and obstructed the due course of justice. They defied the authority of the State and of the courts of the State; and the Governor of Michigan, Frank Murphy, the President's personal selection for that office; denied to the citizens of Michigan the equal protection of the laws—refused to permit the sheriff of Genesee County to enforce the law.

It was John L. Lewis, the personal friend of the President, the man whose organization had contributed more than a half million dollars to the President's election, who was responsible, during a period of at least 44 days, for this open, armed defiance of the laws of Michigan and of the United States.

As I listened to the reading of the President's message, I wondered why it was he did not at that time take care to see that the laws were faithfully executed.

On the floor of this House I appealed to the President to perform his constitutional duty. I called his attention, and the attention of the House, not once but on several occasions, to section 5299 of the Revised Statutes, the same being section 203 of title 50 of the Code of the Laws of the United States, which, among other things, provides that—

Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases * * * it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Clearly and beyond question, employers were deprived of their right to property. Clearly and beyond question, thousands of citizens were deprived of their constitutional right to work.

There is no doubt whatever in the mind of any man but that the President of the United States was fully aware of this situation. Governor Murphy has said that during the strike the President often called "morning, noon, and night to express his interest and great concern and to give his advice."

All through the spring of 1937 and way into the summer the President ignored the constitutional provision which he yesterday called to our attention.

However, when it becomes convenient for the President to use the Constitution; when, because of his personal feelings, as exhibited in the interviews, he wants to find some authority to get rid of Arthur E. Morgan, he is alert to cite and use that provision of the Constitution which requires him to faithfully execute the laws of the land. Note the relative importance of the situation. Here is one man he wishes to "liquidate," but he utterly failed to perform his duty under the Constitution when he willfully ignored the fact that thousands of citizens were being deprived of the equal protection of the laws.

He closed his eyes to the fact that his personal friend and his selection for Governor of Michigan had violated his oath of office in refusing to permit the orders of the courts of Michigan to be enforced.

The President strains at a gnat; he swallowed a camel.

When out of patience and displeased by the acts of an individual, he invokes the authority of the Constitution, the power of the Chief Executive of the land.

When his personal friend and his political supporter, John L. Lewis, used armed forces to defy the courts of Michigan, to suspend the operation of its laws, the President went on a vacation, closed his eyes and his ears on an intolerable situation, and failed to perform the duty under the Constitution, which he now says rests so heavily upon his shoulders.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Missouri.

Mr. SHORT. Not only does the Constitution of the United States give the President the right and the power but the statutory law imposes upon the President the duty to intervene when State authorities fail to intervene to suppress violence and insurrection.

Mr. HOFFMAN. That is section 5298, the section just ahead of the one I cited. Not only that, but the Constitution itself states it shall be his duty so to act.

David Lawrence, in last night's Star, pointed out another failure of the President to perform his duty under the Constitution, to which he now makes reference. Attention was called to the Federal Corrupt Practices Act, which provides that—

It is unlawful * * * for any corporation whatever to make a contribution in connection with any election at which Presidential and Vice Presidential electors * * * are to be voted for, or for any candidate, political committee, * * * to accept or receive any contribution prohibited by this section.

Time and again on the floor of this House has attention been directed to the fact that the President was a party to the solicitation and the procurement from corporations of contributions for political purposes by endorsing his signature on sheets which were used to aid in selling to corporations the Democratic campaign book.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from New York.

Mr. SNELL. The gentleman did not see any activity on the part of the President to find out who these people were who had violated the Corrupt Practices Act as far as the campaign books are concerned?

Mr. HOFFMAN. Oh, no; certainly not. He has not made any effort to learn who it was that was violating the Corrupt Practices Act, but this we know: The result of the activities of those gentlemen was for his benefit, and he accepted such benefit.

Mr. SNELL. Let me ask the gentleman one more question. If this is going to be a kind of yes and no Government from this time on, I think I would like to ask the President some questions myself as to what these people told him and what excuse they gave him with respect to signing all these personal pictures, and so forth, that appeared in this book.

Mr. HOFFMAN. The gentleman, undoubtedly, can ask the question, but I doubt whether he will get an answer either from the legal department or from any other responsible official of this Government as to how it all came about, but we do know that the Democratic National Committee listed all the funds so obtained as contributions to their political activities.

Mr. SNELL. And they would probably give us an opinion similar to the one that was given by Mr. Jackson to the President that it ought to be right, or it ought to be right if you want to make it right, anyway.

Mr. HOFFMAN. We would probably get the answer that, if it was a violation of the law, it was a violation that should be excused because, in their judgment, it was for a worthy purpose, and the method used or the manner in which the law was violated made no practical difference. But what I am wondering about is this: Where is the President on these questions?

Has the President, at any time since the use to which his name was put in violation of the law, publicly rebuked those who gathered in the funds to promote his own political ambitions? No one has heard of such reprimand.

As Mr. Lawrence says—

It seems a hollow mockery for the clause in the Constitution about faithful execution of the laws to be used now by Mr. Roosevelt as a technical reason for ousting * * * a public official like Chairman Morgan, when the politicians who have thus far got away with a brazen violation of Federal laws are given an immunity through the negligence of the President himself, who benefited by their illegal and corrupt practices.

The President once said, in substance, that a man's sincerity was to be judged by his acts rather than by his words.

His statement of yesterday that he is removing Arthur E. Morgan because it is his constitutional duty so to do has a hollow ring, falls on deaf ears, when we recall that his political bedfellows exacted political contributions for his benefit from corporations, in violation of the Corrupt Practices Act; when we recall that the President's friend, John L. Lewis, openly, defiantly, brazenly, defied the authorities of the State and the Nation, and the President sat idly by and permitted him to get away with it.

What some people would like to know today is whether or not the Constitution and the laws of the land apply only when they are convenient to carry out the personal desires of the President.

Where was this knight in shining armor who enters the lists and tilts so valiantly against the princes of privilege; who courageously summons to the White House Arthur E. Morgan and there demands, Russian fashion, that Morgan "confess his guilt" when John L. Lewis threw in his face the statement:

It ill behoves one who has supped at labor's table and who has been sheltered in labor's house to curse with equal fervor and fine impartiality both labor and its adversaries when they become locked in a deadly embrace.

Lewis and the President's political bedfellows who exacted tribute from corporations had political power; controlled votes. Morgan has neither.

The difference pointed out may give the reason for the President's sudden desire to see that the laws of the land are executed.

The President has called our attention to article II, section 3, of the Constitution, which directs that "he shall take care that the laws be faithfully executed."

He should not forget that President Johnson had occasion to remember that section 2 of article I states that—

The House of Representatives * * * shall have the sole power of impeachment.

And that disregard of a constitutional duty imposed upon an official is cause for impeachment. [Applause.]

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, in the first place I desire to direct attention to the protective mobilization plan and

the war reserve objective, as outlined by General Craig on page 6 of the hearings on the Military Establishment appropriation bill, wherein he said:

PROTECTIVE MOBILIZATION PLAN; WAR RESERVE OBJECTIVES

Last year I made the following statement with reference to the subject of war reserves:

"The policy in the past regarding the augmentation of war reserves has been the gradual accumulation of essential items to meet the requirements in active operations of two field armies or 1,000,000 men to bridge the gap between the beginning of an emergency and the time production can supply the needed requirements. I have recently directed that, as a basis for mobilization, the present plan be replaced by one designated as a protective mobilization plan. As a basis for mobilization this plan will result in a very considerable reduction in war reserve requirements."

The plan to which I referred has been completed. Its general provisions and the resulting requirements in war reserves are as follows:

The first objective of the plan is the immediate mobilization of a force of approximately 400,000. This force will consist of existing Regular Army and National Guard organizations, with limited recruit augmentation, and is designated as the initial protective force.

The second objective is the augmentation of the initial protective force to a balanced all-purpose force of approximately 730,000 in units and an additional strength of 270,000 unassigned enlisted men who will be used as replacements or for the formation of additional units. Because of our limited stocks of war reserves the augmentation can be effected under present conditions only over a considerable period. As these stocks are increased this period will be shortened correspondingly.

Mr. SNYDER. Is the number you indicated in addition to or inclusive of the first objective?

General CRAIG. It includes the first objective.

The third objective is the further increase of this force to a total of 1,550,000, if the situation indicates the advisability of such action.

As a basis for the establishment of war-reserve requirements all munitions of war physically present within the United States, in depots, in the hands of troops, and in local storage at posts, camps, and stations are considered as war reserves. Commercial stocks that are immediately available are also considered as potential reserves. In time of peace it is believed to be unwise and economically impracticable to attempt to maintain in reserve all of the items necessary for a wartime force. Peacetime procurement of munitions of war should include only those "critical" items for which suitable substitutes do not exist and which are unobtainable from any source in the time and quantity required.

The immediate peacetime procurement objective therefore is to provide such "critical" items for the initial protective force.

The ultimate peacetime objective is to provide the "critical" items required for the augmented force which I have described as the second objective in mobilization of personnel.

Peacetime procurement planning will provide for the coordinated production, after the outbreak of an emergency, of additional material required for larger forces and for prolonged war consumption.

As I have stated, the war reserves to be procured in time of peace will consist only of those items which otherwise could not be obtained in the quantity and within the time required. General priorities may be classified as follows: A reasonable amount of ammunition for weapons on hand to be used by the force under consideration; weapons for which there is no substitute; other critical items.

The results which have been accomplished by the establishment of the present plan may be summarized as follows:

While the strength of the ultimate force for which reserves are to be established in time of peace remains at approximately 1,000,000 men, the requirements in war reserves have been reduced in cost by approximately \$1,000,000,000.

Objectives in personnel and matériel are progressive and in harmony with each other.

War reserve requirements are definite and reasonable.

This study has only recently been completed. Further adjustments and corrections and the establishment of priorities will, of course, be necessary as appropriations are made and as conditions change. Such changes will be incorporated in an annual revision of the mobilization plan and of war reserve objectives. Projects carried in the annual estimates will be determined by priorities so established.

If further details of the plan or of the war reserve objectives are desired by the committee, I shall have them presented by the officers who have been engaged in their preparation.

In the next place, if you are interested to know what the Army needs, and how the needs of the Army have been met, and are proposed to be met, you should read what General Craig has to say with respect to supplementing the needs of national defense, which statement is found on pages 31 to 34, as follows:

The President's message does much to improve the operating effectiveness of the Navy. However, I must point out that ultimate decision in war comes upon the land, and particularly that the ultimate defense of the continental United States falls upon

the Army. Our active Army is but seventeenth in size in the world, including both Regular Army and National Guard. Its deficiencies as well as those of the Navy are well known to foreign experts. Bolstering one side of the line and allowing weakness on the other, in a defense system where both are vital, will not be effective.

The function of the Army is to support the national policies; to defend the continental United States and its overseas possessions, including the defenses of naval bases, and to provide for and to prepare the land forces necessary for the effective prosecution of war.

The President in his message of last Friday stated that adequate defense affects the simultaneous defense of every part of the United States of America and that our national defense is, in the light of increasing armaments of other nations, inadequate for purposes of national security.

Many of our most urgent requirements are needed so that the Army can effectively cooperate with the Navy. They are essential to protect the Navy in its bases and to give them untrammelled freedom to go to sea from them.

To bring the Army into position to respond effectively to an emergency the following is necessary:

As to matériel, in order to immediately provide for the shortage in standard essential items of equipment, including clothing, weapons, transportation, and ammunition for a force of 1,000,000 men, including a balance force of 730,000 men in tactical units, harbor defenses, and overseas possessions, would require an expenditure of \$1,000,000,000.

By using wartime substitutes admittedly inferior in quality but still effective in warfare and by eliminating many necessary items not vital in battle or quickly available from commercial sources, the critical items, that can be obtained only by slow manufacturing processes, for the same force, will cost \$440,000,000, which is the present war-reserve objective for the protective mobilization plan.

More immediate and urgent is a provision for the shortage in critical items of equipment for the initial protective force consisting of most of the Regular Army and the National Guard, which raised to war strength would be about 400,000 enlisted men. By careful analysis, contemplating the maximum use of relatively effective substitutes the critical items for this smaller force will cost \$160,000,000. This item does not include aircraft or trucks since, in these cases, both industries are capable of expanding their capacity for military orders and there is a great supply of trucks in the country, but it does all types of ammunition, including bombs, antiaircraft guns and accessories, all critical types of weapons, tanks, critical items of medical supply, gas masks, and other items that would be vital in battle and which cannot be procured in the time and quantity required from present commercial and governmental facilities.

In the present world situation the War Department feels it is most urgent to immediately inaugurate an appreciable part of the \$150,000,000 program for unforeseen contingencies and to partially balance and support the national-defense program of the Navy.

As to personnel, in view of the present world situation a most important step which is to be taken to forward the operating effectiveness of the Army is the presentation to Congress of legislation establishing a Regular Army Reserve composed of soldiers who have been recently discharged and are less than 36 years of age. These Reservists would cost but \$24 per man per year as a retainer fee. Seventy-five thousand such trained Reservists would furnish sufficient men to provide the reinforcements needed by the Regular Army from M-Day to 30-M under the protective mobilization plan.

We have fine young soldiers, trained and able, including many valuable technicians, who are annually discharged from the Army who would be glad to come back to serve their country on a moment's notice in an emergency. A small retainer fee, once accepted, would keep these men located, keep track of their physical and marital status, and would make their inclination binding, definite, and immediate. Individually and collectively they would have definite places in our plans. They are trained.

There is no idea of assembling them at any time for periodic further training. Seventy-five thousand such Reservists would add immeasurably to the effectiveness of the forces available in the earliest days of an emergency. Our Regular Army is seventeenth in point of size in the world. We are the only great Nation which has no enlisted reserve; the only one which dissipates its trained personnel.

These matters were presented to the President and he has conveyed his recommendations to the Congress in his supplemental message on national defense.

In priority, the recommendations of the War Department were as follows:

Urgent deficiencies in antiaircraft material, including antiaircraft searchlights, eliminated by the Bureau of the Budget from War Department estimates for the fiscal year 1939, \$8,886,368. This will enable us to complete our active regular Army units which with the 1939 estimates would be complete in ordnance but not in searchlights. It would raise the National Guard to the level of minimum training allowance this year, instead of waiting for a year and will give a start on a reserve of the critical items such as guns, directors, searchlights, etc., to meet war expansion needs.

The next priority is the enlisted reserve item. It is estimated to cost \$24 per man. For the first year we estimate we could get 18,500 men requiring \$450,000. The plan would stabilize at 75,000

in 4 years, requiring \$1,875,000. I believe it will be the cheapest form of personnel preparedness possible.

The next priority is in gages, dies, and aids to manufacture in the amount of \$6,080,000. In general, these will advance the time of production of some critical items by 2 or 3 months. Our first priority items in aids to manufacture total approximately \$13,000,000. Representatives of the office of The Assistant Secretary of War will be available to expand on this necessity.

Next in priority are items of ordnance equipment, other than antiaircraft, which, together with the antiaircraft items, go toward making up the deficiency of \$160,000,000 which I have mentioned previously. They amount to \$6,195,000, and include antitank guns, semiautomatic rifles, ground machine guns, 81-millimeter mortar matériel, 105-millimeter howitzers, modification of 155-millimeter matériel, fire-control instruments for all classes of artillery, medium tanks, etc.

The next item is to step forward the meeting of our deficiency in ammunition, including bombs. The amount recommended by the Department was \$8,470,000. These are to accelerate replacing of deteriorated ammunition of which, we told you last year, there is a shortage due to the expiring life of war-manufactured ammunition.

All of these items are included in the President's message, except the \$6,195,000 for equipment other than antiaircraft, and he recommended but \$2,000,000 additional for ammunition this year.

You will have to agree with me that the salient features involved in national defense, so far as the activities of the War Department are involved, are very thoroughly and concisely covered by the foregoing statements.

I agree with Mr. POWERS, of New Jersey, a member of the subcommittee, who, after listening to the aforementioned statements and to the other testimony of General Craig, repeated what he said last year upon the conclusion of the testimony of the general, and went on to say:

What I said then I repeat now, if possible, with greater emphasis. As I said last year, in my judgment, your policies are a step ahead of the other fellow, and the Army and the country are fortunate in having you at the helm in these disturbed times.

I wish to further emphasize that fact. The American people certainly have a right to congratulate themselves that in these hectic days he is the Chief of Staff of the United States Army. I say this deliberately and decisively, and not fulsomely, for I have known him intimately for 20 years, and have seen him tried and tested under most exasperating conditions. I have a feeling that whatever may happen which involves the United States War Department or Army, either in time of peace or in war, the program sponsored by Malin Craig will be based on cool, calm judgment, exercised by a man who is a strict and stern disciplinarian, but just; who is tactful and diplomatic, but a fighter from the ground up, if and should the occasion require it; and one who has been trained to the last minute for the duties of the office which he undertakes to and does so successfully administer.

Now I want to talk about another matter, and concerning an entirely different subject.

DONNEVILLE VERSUS BOULDER

Mr. Chairman, I do not care to unduly magnify the incident, or to emphasize any personal equation involved, but I must keep the record straight. I therefore call attention to the fact that a few days ago certain statements which I had made on this floor were attacked, and the correctness of certain figures submitted by me was challenged by the gentleman from Oregon, Mr. FIERCE.

Let me say I do not hold the gentleman from Oregon responsible for the veiled insinuation that my figures resulted from the fact that I had been imposed upon by some Power Trust.

He knows better, or will.

The gentleman from Oregon was, however, so forceful, apparently so sincere, and obviously so convinced I was in error, as evidence by his attack on my statement, that when I read his speech, I confess, that for the moment I wondered if I had erred in my studies of the records, or been mistaken in my conclusions, or wrong in my calculations. If error there was or is, I have no alibi, for the statements I made and figures I submitted resulted from my own studies, for which I accept and assume full responsibility.

But there is no error, and there was no error. Let us look at the record. That is just what I did do; in order to verify

my statement, or correct it, provided I found myself in error; which I did not.

So I went back to my sources of information, all of them official documents, to which reference may be had, and I carefully reread them; as a result, I now not only reiterate my original statement, but will undertake to add to it in important details.

The gentleman from Oregon carefully refrained from any personal attack either on me or on my motives beyond intimating that I had naively swallowed a tall story communicated by somebody. I am inclined to return the courtesy, because I believe he made his statements in the utmost good faith, attacking my figures on the basis of information which had been furnished him.

I suspect from what I know that he is the one who has actually been imposed upon and by some unseen, unknown ghost writer of Uncle Sam's Power Trust, for certainly his statements will not hold water and they will not stand the test of cold examination.

The gentleman from Oregon could not have carefully studied the figures which I assume to have been furnished him, and on which he relied, for had he done so, I do not see how he could have stood in the Well of this House and made the statement that—

* * * a 3½-percent interest rate over a period of 40 years is the same as a 4-percent interest rate over a period of 50 years.

Page 2457, second column.

This is no slip of the tongue for the same statement, substantially, recurs in his speech several times.

When the gentleman can prove how 3½ percent for 40 years will equal 4 percent for 50 years, I will admit that I have been imposed upon. Until he does that very thing, I am forced to contend that it is the gentleman himself who has been imposed upon, and who has unwittingly imposed upon the credulity of this House.

A MATHEMATICAL ERROR

For the benefit of the gentleman from Oregon and others who may be interested I propose to demonstrate the astounding mathematical error, and the fallacy of his arguments by an example in arithmetic.

Let us take the sum of \$100. Let us apply simple interest at 3½ percent for 40 years to \$100. The result is \$140. That is the amount of interest which the gentleman says Bonneville will pay in a period of 40 years' amortization. He said this is equal to 4 percent for 50 years on an equal investment. Is it?

Let us apply interest at 4 percent for 50 years of \$100. According to Greenleaf's Arithmetic the answer is \$200. That is the sum which the gentleman says is the same as \$140 which he says Bonneville will pay. It just does not make sense.

And, as Lewis Carroll says in Alice in Wonderland:

Take care of the sense and the sounds will take care of themselves.

He states that while Boulder Dam must pay 4 percent for 50 years it all equals out because Bonneville is going to have to pay 3½ percent for 40 years.

By my own old-fashioned arithmetical calculation and demonstration the only conclusion is that for every \$100 invested in these two projects Boulder Dam must pay \$60 more in interest than Bonneville. So my arithmetic stands,

SHADES OF GREENLEAF

That was on the basis of simple interest. But now let us look at compound interest, bearing in mind all the while that my colleague from Oregon [Mr. PIERCE] tells you that:

* * * a 3½-percent interest rate over a period of 40 years is the same as a 4-percent interest rate over a period of 50 years. Everyone officially connected with Boulder knows this to be the case.

The general formula for compound interest—that is, the formula used to determine the compound amount, according to the Financial Handbook, edited by R. H. Montgomery, published by the Ronald Press—would appear to be as follows:

a equals $(1 + i)^n$ where n is the number of periods and i is the interest rate per period expressed as a decimal.

Now, in their book the editors have very conveniently inserted a table which gives the value of 1 compounded periodically from 1 period to 100 periods at various rates. Since the gentleman from Oregon [Mr. PIERCE] uses 3½ percent at 40 years, and 4 percent at 50 years, and finds the results to be identical, let us correct his homework right now.

Let us take a very simple number with which to work out our problem. Using \$1 as the principal amount, 3½ as the interest rate, and 40 years as the number of periods, we find the result to be 3.9592597. Using \$1 as the principal amount, 4 as the interest rate, and 50 years as the number of periods, we find the result to be 7.1066834.

So it follows that on the basis of the problem in simple interest as given a moment ago, and on the basis of the problem in compound interest we have just worked out, everyone officially connected with Boulder, the gentleman from Oregon and his mathematically inclined assistants, all would appear to be in very considerable error.

To paraphrase Wordsworth, might I say:

Greenleaf, thou should'st be living at this hour,
America hath need of thee!

THE INTEREST RATE

I further stated and now repeat that the known Bonneville interest rate has been set by the Federal Power Commission not at 3½ percent but at 1.54271 percent. On the basis of 1.54271 percent over a period of 40 years according to my pre-New Deal Greenleaf's Arithmetic, the interest return would amount to only \$61.7084 for every \$100 invested in Bonneville.

In other words, this interest return would mean \$78.29 less than would be returned at the Treasury of the United States if Bonneville paid 3½ percent interest, as the gentleman says it is going to. Moreover, this Federal Power Commission interest rate means that Bonneville will in 40 years repay into the Treasury for every \$100 invested into it \$138.29 less than Boulder Dam will pay back into the Federal Treasury in 50 years.

Now the gentleman asserts that the interest rate of 1.54271 as set up by the Federal Power Commission was merely the sum which the Federal Power Commission applied to the monthly bills of the engineers during the period of construction. He says that this interest rate only applied to the finding of the original cost of the Bonneville project and will not be the interest rate which is to be assessed against the project.

To prove his point the gentleman states that Mr. J. D. Ross, administrator, has publicly announced that he intended to amortize the project in 40 years and pay an interest rate of 3½ percent.

If the gentleman's conclusions are correct, then I must stand in error. If they are incorrect, then he must stand in error. We have a clear-cut issue. This is my statement, and I stand by it:

I say that the Federal Power Commission has set up an interest rate of 1.54271 percent, that this is the only interest rate in effect on the dam, and that any statements by J. D. Ross are without effect under the law until and unless approved by the Federal Power Commission.

Let us examine the facts. Let us go to the records. Let us go to the act itself.

Who fixes the rates and charges for electric energy at Bonneville?

The Federal Power Commission fixes such rates. They are prepared by the administrator and submitted to the Federal Power Commission, which they either confirm and approve them as they stand, or the Commission can change them in any way it sees fit. The Federal Power Commission has complete control over the rates to be charged for Bonneville power. This is very clearly set forth in section 7 of the act.

On what base are Bonneville rates made, and by whom is that base of capital costs determined?

Section 7 of the act reads as follows:

It is the intent of Congress that rate schedules for the sale of electric energy which is or may be generated at the Bonneville

project in excess of the amount required for operating the dam, locks, and appurtenant works at said project shall be determined with due regard to and predicated upon the fact that such electric energy is developed from water power created as an incident to the construction of the dam in the Columbia River at the Bonneville project for the purposes set forth in section 1 of this act. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of Bonneville project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment over a reasonable period of years. Rate schedules shall be based upon an allocation of costs made by the Federal Power Commission. In computing the cost of electric energy developed from water power created as an incident to and a byproduct of the construction of the Bonneville project, the Federal Power Commission may allocate to the cost of electric facilities such a share of the cost of facilities having joint value for the production of electric energy and other purposes as the power development may fairly bear as compared with such other purposes.

LOOK AT SECTION 7

Where in section 7 or in any other section in this bill do we find J. D. Ross, the Administrator, empowered to set up the interest rate for Bonneville? Nowhere! No such power or authority is conferred upon the Administrator.

Where do we discover the authority for J. D. Ross, the Administrator, to state the number of years under which he will amortize the costs of this project? Such authority cannot be found in the act. The function of the Administrator is to propose. The function of the Federal Power Commission is to dispose.

Ross proposes, the Federal Power Commission disposes.

You will find on page 879 of the hearings on the appropriations for the Interior Department for 1939, Mr. Ross says:

I am asking a 3½-percent return to the Government instead of the 2.6 percent it costs the Government for the interest.

Mr. Ross made that statement before the Federal Power Commission had issued its release. He said he had asked the Federal Power Commission not to charge against the dam the interest rate of 2.6 percent which he stated was the average cost of money to the Government.

He asked the Federal Power Commission to discard that theory and to levy against the project an interest rate somewhat comparable—although lower—with the Boulder Dam interest rate. The theory that the dam should pay only the interest rate that the money actually cost the Government at the time of construction was discarded by Mr. Ross.

He intended to be fair with Boulder; he intended to be fair with Grand Coulee. He did not seek any unfair advantages. Mr. Ross did not feel that it was safe to assume that during all the years to come before this dam was amortized that the Government will not be forced to pay a higher rate of interest. I want to pay tribute here to the fair-minded attitude of Mr. Ross.

OTHER IDEAS

But the Federal Power Commission had other ideas. Irrespective of the costs of Boulder Dam power it sought by mysterious New Deal mathematics to arrive at the lowest possible calculation of interest rates. Its figure comes forth as 1.54271 which is more than 40 percent cheaper than the figure set up by Mr. Ross as the actual cost to the Government.

The Federal Power Commission's figure is supposed to be based upon the so-called weighted average of long- and short-term credits of the Federal Government for that period.

I hope the gentlemen realize the possibilities of the Federal Power Commission's low interest rate and its implications as to the Grand Coulee.

On page 366 of the Interior Department appropriation hearings you will find that Mr. Page, reclamation commissioner, says of Grand Coulee irrigation:

The irrigation repayments of \$40 to \$100 an acre plus the anticipated revenue will repay the whole cost of the project with interest at 3½ percent of the power allocation within 50 years.

If interest on the nearly \$200,000,000 of power costs at Grand Coulee must be more than twice as high as the in-

terest on the low allocation of power costs at Bonneville, Grand Coulee power cannot compete with Bonneville power in an overcrowded market.

Before leaving the subject of the interest rate at Bonneville, let us discuss the matter from the standpoint of the gentleman from Oregon. He states that the absurdly low Federal Power Commission rate is only applicable to the finding of costs of the dam itself for the purpose of arriving at the capital base from which the various cost allocations are made.

I now state that the Federal Treasury is being deprived of millions of dollars because of this phony, fake interest rate.

MEANINGLESS MEANDERINGS

Their meaningless meanderings among figures reminds one of nothing more forcibly or quite so much as of the blind gropings of Homer's Cyclops round the walls of his cave.

On paragraph 4, page 3, of the Federal Power Commission's statement we find that the Commission says that the aggregate cost of the project, exclusive of interest, during the construction period, will be approximately \$51,892,000.

Paragraph 6 further states that, inclusive of interest, the total costs of all the Bonneville projects will be \$53,188,800.

That means that the Power Commission has levied for interest charges against the project as the money was required at the rate of 1.54271 percent, a total of \$1,296,800.

Now the Army engineers had assessed against the project 4-percent interest, the same as at Boulder Dam.

Instead of \$1,296,800, the interest should have been—at the Army rate—\$3,362,039. And the total cost of the project should have been \$55,184,039.

In other words, by this fictitious interest rate on the construction period alone, the Power Commission was able to deduct in excess of \$2,000,000 from the actual cost of the job.

From the law and from the admissions of Mr. Ross himself, the Federal Power Commission is the rate-making body.

It has enunciated the principle that this Federal project should be charged only with the interest rate prevailing at the time of its erection.

This is stated in paragraph 5 of its release. In the absence of any statement to the contrary from the Federal Power Commission, it must be concluded this is a fixed principle of the Commission, Mr. Ross' own private inclinations notwithstanding.

I think I have completely met the statement of the gentleman from Oregon. If he is not satisfied with this I do not know what would satisfy him.

The figures with which he supports his own case and for which I do not hold him responsible are so absurd as to be ridiculous. The contention that 4 percent equals 3½ percent and that 50 years equal 40 years are an affront to the intelligence of this House.

The gentleman sought and failed to discredit my statement by proving one phase of it was incorrect. He let go unchallenged that portion of my remarks in which I stated and which I now reiterate:

Of the \$107,000,000 total cost of Boulder Dam, all but \$25,000,000, or \$82,000,000, is assessed against power development. Thus the power rate base of Boulder Dam is more than 76 percent of the total cost, whereas the power rate base of Bonneville is 57 percent. Hence Bonneville enjoys a differential of about one-third over its federally owned competitor, Boulder Dam, in addition to an interest rate on that base which is a small fraction of that paid by Boulder.

The special treatment of Bonneville by the Federal Power Commission is accentuated when compared with the allocations of cost by the Army engineers as submitted by General Markham last year, a break-down of which is found in the accompanying table.

It will be seen that whereas the engineers charged to power at the initial stage of two generating units \$30,112,000, the Federal Power Commission saw fit to eliminate or defer \$18,500,000 of those charges. Thus the Commission's rate

base for the project at the present stage is slightly more than \$11,600,000.

In terms of kilowatt capacity at this stage there is a difference amounting to 250 percent between the allocations of the Federal Power Commission and the Army engineers. At 86,400 kilowatts of installed capacity at this stage, the power allocation to Bonneville would be \$135.25 under the Federal Power Commission's rate base and \$348.52 according to the Army engineers.

Bonneville now enjoys a rate base of slightly more than 21 percent of the total cost to date as compared with Boulder's 76 percent.

The Federal Power Commission's arithmetic grows "curiouser and curiouser" as one further examines its figures. Facilities wholly devoted to navigation will cost but \$5,517,600. Facilities wholly devoted to power ultimately will cost \$29,448,000. Thus more than five times as much is spent for power as for navigation. Nonetheless the Power Commission in its superior wisdom has laid upon navigation a burden twice as heavy as carried by power in sharing the costs for facilities jointly valuable and jointly responsible to navigation and power.

In the light of these figures, taken wholly from Government sources, it is apparent that the taxpayers of the Nation are being discriminated against to the benefit of a small section of the Nation which already is surfeited with surplus power. The Upper Basin States of the Colorado River as well as the citizens of Los Angeles and southern California, all beneficiaries of Boulder Dam power, will be made to suffer by competition from a dam whose rates are based on a fictitious and dishonest level both in interest and principal. Bonneville should pay its way honestly.

CANNOT BE LAUGHED OFF

This discrimination between Boulder and Bonneville cannot be laughed off. The figures speak for themselves more eloquently than do words of mine. They are not my figures. They are the calculations of unbiased officials of the Federal Government. Even had I been wrong on the matter of interest rate, the central charge of my statement was not met and cannot be met.

MY FIGURES STAND

So, my figures stand, and I stand by them. If they are malicious it is because they are so in the eyes of those whose fallacies they expose and who cannot successfully controvert them.

And my facts cannot be successfully challenged, neither can they be disproved.

The truth is those in charge of the program which the distinguished gentleman from Oregon undertook to defend have spent the taxpayers' money so freely and with such reckless abandon as to entirely forget and overlook the fact that it is the money of the taxpayers which they are handling. They do not seem to know; at least they do not seem to care, that the taxpayer is paying the bills. They cannot understand why he should be interested.

This attitude of mind is best exemplified by the inspired remarks of the gentleman from Oregon when he asks: "Why should Vermont be interested?" That is the story—why should any taxpayer be interested? That is exactly the idea. What business is it of the man whose money we are spending? I made it my business; that is another answer.

FACTS AND FIGURES TREAD ON SENSITIVE TOES

Finally, facts and figures tread on many sensitive toes in their exposure of false premises and consequent erroneous conclusions; they are deadly foes of buncombe and fraud, intended, actual, or resultant, and, moreover, facts and figures are only popular with those who seek the truth, and are neither perplexed, troubled, embarrassed, nor irritated, when they find it. [Applause.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. Dockweiler].

Mr. DOCKWEILER. Mr. Chairman, first of all as a member of the committee having in charge the Army supply bill,

I commend the indefatigable and conscientious work of my chairman, the gentleman from Pennsylvania [Mr. Snyder]. He has assumed this duty as chairman, and he has fulfilled that duty well, and has patriotically served his country in the preparation of this Army supply bill.

I am always intrigued by remarks that are bandied about in the country, more particularly when I return home, as to what is adequate national defense. The question of adequacy I admit is rather illusive, but my answer to this should be the answer of any citizen, which that citizen might give when he wishes some particular professional duty performed upon him. If he wishes to have his teeth properly cared for he goes to a dentist. If he wishes medical services he goes to a good doctor, and that doctor gives him the advice that is necessary. He tells him what is adequate under the circumstances. So when it comes to the matter of adequacy of national defense, we must look to experts for the answer. Through the years we have looked to experts. After the World War the Baker Board was organized. As a result of our failures during the World War, and its prosecution on our part, the Congress authorized the President to set up a board made up mostly of civilians and some retired and active Army officers who would make a complete study of the national defense needs of the country, so far as the Army is concerned, and report to Congress. That accurate and meticulous study was made and a report was rendered to Congress, and in due course there was passed a National Defense Act, which takes up every component of the Army.

That report sets forth what should be the size of our National Guard, of our Organized Reserve, and that we should set up citizens' military training camps, and what should be the size of our Regular Army, and what should be necessary to bring up to adequacy our coast defense and our Air Corps—every phase of the Army was studied, and upon every phase of the Army we had a report. As I said before, as a result of that report there was enacted by the Congress of the United States a National Defense Act, which I think to this very day has undergone very few substantial changes. It might be interesting to note at this very time that the Congress has failed to give to the people of the country more than 50 percent of the requirements of the National Defense Act.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. DICKSTEIN. Mr. Chairman, I intended to ask the chairman of the subcommittee, who spoke eloquently upon this matter in respect to the national defense and the National Guard. The gentleman from California is making a very fine speech, but I have in my mind something that is very troublesome. It is my purpose to talk on that question a little later, and I think I shall give the gentleman the benefit of what is in my mind now. In the National Guard today there are thousands of aliens who are no more in sympathy with our Government or with the National Guard, that are citizens of dictatorships, who are simply obtaining proper training to go back to their native country, there to serve dictators. What provision is made in the bill to safeguard the National Guard from these subversive groups?

Mr. DOCKWEILER. I think the gentleman knows that no man can enlist in the National Guard, which is a branch of the Army of the United States, without taking the oath of office and agreeing to support the Constitution of the United States, and I do not know that the conditions to which the gentleman refers do exist in the Army, and I do not believe they do.

Mr. Chairman, I had just concluded by telling the pattern the Congress of the United States and the committee of which I am a member have followed in preparing this bill. By and large in a comprehensive way, it has followed the pattern of the National Defense Act. Even before the Baker Board reported, after the Spanish-American War it was decided by the then President and the Congress that there should be a study made of the seacoast defense needs of the country. What was known as the Endicott Board was appointed, and that board in due time reported back its

conclusions, and as a result of those conclusions the Congress of the United States provided for seacoast defenses, located at our seaports and centers of great population along the coast of the United States and our possessions. Since then, however, we have had other boards make particular studies. Recently a study was made of the air corps needs of the Army, since the Air Corps demands are growing daily upon the Congress of the United States and the taxpayers of the United States. So when the citizenry of the country ask what is adequate defense for the needs of this country, I simply say to them that as Congressmen we have referred the matter of adequacy to those who are supposed to know and define it, and they are the doctors to whom we have referred our case and from whom we take advice as to what we should do.

In Gen. Malin Craig we have, I think, one of the finest Chiefs of Staff that has occupied this office in many years—a man of tremendous practical experience. Before our committee he outlined some of the things he thinks the Congress of the United States should do adequately to protect this great Republic. Let me read briefly an excerpt from his testimony:

I have recently directed that, as a basis for mobilization, the present plan be replaced by one designated as a protective mobilization plan. As a basis for mobilization this plan will result in a very considerable reduction in war reserve requirements.

The plan to which I referred has been completed. Its general provisions and the resulting requirements in war reserves are as follows:

The first objective of the plan is the immediate mobilization of a force of approximately 400,000. This force will consist of existing Regular Army and National Guard organizations, with limited recruit augmentation, and is designated as the initial protective force.

The second objective is the augmentation of the initial protective force to a balanced all-purpose force of approximately 730,000 in units and an additional strength of 270,000 unassigned enlisted men, who will be used as replacements or for the formation of additional units. Because of our limited stocks of war reserves, the augmentation can be effected under present conditions only over a considerable period. As these stocks are increased this period will be shortened correspondingly.

The third objective is the further increase of this force to a total of 1,550,000, if the situation indicates the advisability of such action.

As a basis for the establishment of war-reserve requirements all munitions of war physically present within the United States, in depots, in the hands of troops, and in local storage at posts, camps, and stations are considered as war reserves. Commercial stocks that are immediately available are also considered as potential reserves. In time of peace it is believed to be unwise and economically impracticable to attempt to maintain in reserve all of the items necessary for a wartime force.

Mr. Chairman, the suggestion he has made as to the first and second objectives is that we have in case of emergency approximately 1,000,000 men under arms to protect this vast country. You will recall that the chairman of this committee said that the national-defense needs of this country, if this bill becomes law, will, so far as the Army is concerned, cost approximately \$3.40 per capita. I think this is cheap insurance, dirt-cheap insurance, for the protection given by the kind of army we have today. Not since I have been a member of this committee has the Army been in such fine shape or in such a state of readiness as it is at present, not since the World War; and I am glad that I have contributed my puny effort to bringing the Army up to the state of preparedness where it really can act in case of emergency and protect the people of this country.

I, as Congressman, took upon myself many duties, one especially. When I took the oath of office to support the Constitution of the United States, it meant every part, every section, every article of the Constitution; and the Constitution states that I, as a Congressman, must provide for the national-defense needs of this country. I think I am performing my duty when I try in my small way to contribute to providing for the national-defense needs of this country.

What would happen to us if we did not have an Army, a Navy, a Marine Corps, or some element of national defense? The same thing would happen to us, Mr. Chairman, as happened to part of Africa in recent history and is happening

in China at the present time. Do you suppose His Imperial Majesty the Emperor of Japan could do the things in China today he is doing if China had even a mite of national defense, if she had just one phase of national defense, an air corps? Given an adequate air corps, China could take the theater of war from her own country into the Japanese homeland. You are witnessing in the case of China the example of what happens to a great people who through the years have neglected to provide the necessities of adequate national defense.

If we dried up our national defense tomorrow, we would be the butt and target of every aggressive nation under the sun. And why not? We are the richest people in the world, with resources untold, with our great oil fields fully developed together with the richness of our mines in many States of the Union. We are a great agricultural nation that can produce enough food not only to supply the needs of 130,000,000 of our own people but to act as the bread basket, one might say, for many hundreds of millions of people outside of this country. We have an invested capital in this country in all types and characters of business of perhaps over \$300,000,000,000. The national income today averages about \$60,000,000,000 annually. I have mentioned these few material things that affect your purse and pocketbook; but in addition we have a type and character of people here to defend and protect who believe in free speech, who believe and practice those beneficent doctrines that were handed down to us by our forefathers as expressed in our Constitution. Are these moral equations worth defending as well as the physical things I have mentioned?

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I would rather not yield at this point.

Mr. ANDRESEN of Minnesota. The gentleman is making a very comprehensive statement. How far should we go in using the Army, does the gentleman think, in the confiscations that have taken place in Mexico with reference to American property?

Mr. DOCKWEILER. I am not prepared to answer that. That is a problem that would have to be worked out by the State Department.

Mr. ANDRESEN of Minnesota. The gentleman has mentioned the enormous wealth of the United States and the citizens of this country. I assume that the figures he has given us include the wealth of American citizens in foreign countries.

Mr. DOCKWEILER. I am speaking only of the wealth that we actually have in continental United States and in our possessions.

I think I have said thus much to prove the thesis that we should have national defense and that we should have this army. I have said thus much to assure you that what your committee is doing is simply taking the pattern, plan, or formula as set up by the civilian committees and by those who are versed in the subject of adequate national defense.

Mr. BACON. Will the gentleman yield?

Mr. DOCKWEILER. I yield to the gentleman from New York.

Mr. BACON. I was very much interested to hear the gentleman praise the National Defense Act. How many men does that act authorize for the United States Army, and I refer to the enlisted personnel? Is it 250,000 for the Regular Army?

Mr. DOCKWEILER. Two hundred and eighty thousand.

Mr. BACON. I believe we only have 162,000 now?

Mr. DOCKWEILER. We are attempting to provide for 162,000.

Mr. BACON. Does not the gentleman think we ought to increase our Regular Army Establishment, because it is my understanding that many of our regiments are way below their ordinary peacetime strength?

Mr. DOCKWEILER. That is true. I favor that, but it costs at lot of money.

Mr. SNYDER of Pennsylvania. Will the gentleman yield?

Mr. DOCKWEILER. I yield to the gentleman from Pennsylvania.

Mr. SNYDER of Pennsylvania. I suggest that the gentleman misunderstood a certain statement. It is 162,000 now, and we propose to raise that in this 1939 appropriation bill to the full 165,000.

Mr. BACON. Does not the gentleman think we ought to go a little higher than that in order to give them the minimum peacetime requirement for every regiment in the United States Army?

Mr. SNYDER of Pennsylvania. Personally, I quite agree with the gentleman it should go higher, if we could at the same time give greater equipment to the men we have.

Mr. BACON. I may say further to the gentleman from California I was pleased when he praised the National Defense Act. I call his attention to the fact that a very distinguished Member of the House at that time was chairman of the Military Affairs Committee of the Senate and he probably had more to do with the writing of that act than any man now in Congress. I refer to the gentleman from New York [Mr. WADSWORTH].

Mr. DOCKWEILER. I am very happy to have the gentleman's contribution. I know the gentleman from New York [Mr. WADSWORTH] is an upstanding, patriotic citizen.

Mr. Chairman, I should like to dwell for a moment upon a phase of national defense that is near to the people of the coastal regions. I refer to seacoast defenses and the necessity thereof.

Seacoast-defense work was started, as I indicated earlier in my address, after the Spanish-American War. Before that time we had little or no established seacoast defenses. Because of the panicky condition that the civilian population found themselves in during the prosecution of that war, when it was necessary for the Navy to go from the harbors of New York, Charleston, and Norfolk into the open seas to find the Spanish enemy, the civilian population found they had no protection in those harbors and they besieged the War and Navy Departments, as history will show, and pleaded with those Departments that the great Navy of the United States as it then existed should remain in New York Harbor, Charleston, or Norfolk to protect the great investments, and the property of the citizens in those harbors. Of course it was not the function of the Navy to stay in those harbors. Their particular function and duty was to go out and strike the enemy before the enemy struck the coast of America. At that particular time it was not certain where the Spanish Fleet could be found. It was not certain, if they knew where it was located, that it would be there upon the arrival of the American Fleet.

To make a long story short, the fleet left, and the folks at home in those great harbor districts and in the hinterland felt they were left unprotected.

In case of another emergency the same thing would have to happen. You could not expect your fleet to remain to protect the great harbor at Bremerton and Seattle, Wash., and all the great naval works, drydocks, and ammunition depots in that vicinity. You could not expect the fleet to stay in San Francisco Harbor. We have not built a fleet for this purpose. You could not expect the fleet to stay in San Diego or Los Angeles Harbor or in any port on the Atlantic or Pacific coast. Its duty and mission would be to go to sea and find the enemy before the enemy came to our shores.

As a result of all this agitation, Mr. Chairman, there was appointed after the Spanish-American War the Endicott Board to set up plans and specifications for the protection of these harbors. If you ever go on the harbor breastworks, you will find the result of the completion of the work of the Endicott Board during those years following the Spanish-American War. However, many years elapsed before the seacoast defenses that were put up after the Spanish-American War were replenished, implemented, or brought down to a modern state.

During my years in Congress I have tried to impress upon the War Department, although it needed no influence to

be brought upon it, and I have tried to impress upon the Congress, the necessity for seacoast defenses. Has it ever occurred to you if your Navy was sunk upon the high seas, if your Marine Corps were out in some possession and suffered defeat and were routed, if every other branch of national defense were swept away, that your seacoast defenses and Army at home could guard, preserve, and protect from the encroachment of any enemy the continental United States? It may act as the last ditch of defense, and it would be an almost invulnerable defense, because against the seacoast defenses, or the great 16-inch guns we are now placing at strategic points throughout our harbors, there is no country in the world, no matter how large its navy, could afford to sacrifice \$40,000,000 battleships against the possibility of being sunk by these 16-inch guns which are part of our harbor defenses.

I cannot improve upon General Sunderland's own statement to our committee, and so I ask your pardon if I insert his testimony appearing on page 410 of the committee hearings.

PURPOSES OF SEACOAST FORTIFICATIONS

The purposes of seacoast defenses are: (a) To deny to any enemy the use of harbors and their facilities; (b) to provide secure bases for our Navy; (c) to protect harbors, their facilities, and the neighboring area from hostile bombardment; (d) to prevent hostile landings within range of their guns.

For example, the seacoast fortifications of the Panama Canal are designed to prevent hostile naval bombardment of the Canal and its accessories that might result in sufficient damage to close the Canal to traffic. These seacoast fortifications are also intended to deny the use of local waters to hostile transports, thus forcing an enemy to make his landings at points distant from his real objective.

Another important function of the fortifications is to cover the passage of our fleet through the Canal in time of war and to protect its debouchment in face of an enemy naval force. Without such protection the fleet would be exposed to the risk of piecemeal destruction while debouching from the Canal. To insure the accomplishment of these functions, these fortifications must be provided with antiaircraft armament for their protection against air attack, and, in addition, other antiaircraft armament must be provided for the protection of vital elements of the Canal itself. Briefly, it may be said that seacoast fortifications constitute such a powerful element in any coordinated scheme of defense that they must be provided, if we wish to operate effectively against an enemy threatening our security, whether by land, sea, or air.

IMPORTANCE OF ADEQUATE HARBOR DEFENSE

No development of war has lessened the importance of adequate harbor defense. As long as navies exist, secure bases will be essential to their operation. Furthermore, if our harbors are protected, an enemy attempting to invade our territory from the sea would be obliged to undertake the difficult operation of landing at places where harbor facilities do not exist. Thus, harbor defenses, by imposing this restriction on the enemy, greatly aid the mobile troops that may be called upon to oppose such landings.

Without harbors adequately protected by seacoast fortifications, our Navy and our air forces need not be spread out for local defense, but as fighting units will be free to advance to meet the enemy.

Thus do harbor defenses fit into the great scheme of national defense.

The greatest tribute that can be paid by anyone to our seacoast defenses is that through the many decades these sea defenses have been standing in readiness to protect you and me they have not fired one hostile shell at an enemy. I wonder what the story would be if we did not have the seacoast defenses. I wonder if we would have found it necessary to have defended ourselves against an enemy. With this protection we have no need to fear that ever in the history of this great Republic any enemy would dare to trespass upon American soil, either the continental United States or our possessions.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I yield to the gentleman from Maine.

Mr. BREWSTER. I understood the gentleman to refer just now to a \$40,000,000 battleship.

Mr. DOCKWEILER. The gentleman is correct.

Mr. BREWSTER. The gentleman knows \$40,000,000 battleships are no longer the style. They cost nearer \$100,000,000 now. This would accentuate the gentleman's argu-

ment, as the authorities would be much less likely to risk so expensive an instrument.

Does the gentleman recognize that in the coordination of our national defense there must be some upper limit of expenditure?

Mr. DOCKWEILER. I do recognize that necessity.

Mr. BREWSTER. This would mean that in determining the amount which could be properly allocated to the various means of defense there must be some coordinating power. Does the gentleman agree with that statement?

Mr. DOCKWEILER. I certainly do.

Mr. BREWSTER. How does the gentleman conceive such correlation is to be brought about so proper emphasis may be placed on the various instruments?

Mr. DOCKWEILER. The War and Navy Departments have a superboard that determines how the money shall be allotted to the various divisions of these departments.

Mr. BREWSTER. My question is addressed to the broader field of all agencies of defense, including the Army and the Navy.

Mr. DOCKWEILER. I see the gentleman's point. There is a joint Army and Navy board called the Joint Control Board which adjusts what phases of national defense in case of emergency the Army would undertake and the Navy would undertake.

Mr. BREWSTER. That Board operates in the event of an emergency, but what operates in these more peaceful times to determine how much money shall go to the various agencies?

Mr. DOCKWEILER. I believe the Joint Control Board performs this function.

Mr. BREWSTER. Has the Joint Control Board made recommendations to the gentleman's committee?

Mr. DOCKWEILER. Through the Chief of Staff, I would say. We have not met with the Joint Control Board or its members.

Mr. BREWSTER. We have just been through a rather interesting study of this matter with the Navy, but we have been absolutely unable to secure any coordinated recommendations.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. BREWSTER. I believe this is extremely important.

Mr. DOCKWEILER. I, too, believe it is extremely important. I was going to develop this theme if I had the time. Just the other day we passed the Navy authorization bill. In this bill some 900 airplanes are added to the basic authorization for Navy airplanes. I may say I have never met the members of the Joint Control Board, and the Board as such has never come before our committee. It may be it is not their place to come before an appropriations committee. Perhaps they go before the Committee on Military Affairs, as they should go before the Committee on Naval Affairs.

But when my remarks are read by the authorities of the Navy Department and by the Chief of Staff and his officers in the Army, I should like this country to be given a definite statement with regard to who is going to take care of the mission of the air force of this Nation in case of an emergency. Will it be the Navy or the Army that will protect us as far as the air force is concerned? It has always been my thought, Mr. Chairman, that the Navy should have only such auxiliary planes as are necessary to perform missions to protect their flotillas. The protection of the naval establishments on shore should be the function of the Army. The Army should protect the naval air bases, their repair shops, their depots, and all shore establishments. I must confess I do not know whether the Army or the Navy is now to perform that function. Apparently the Navy is entering upon the performance of a function I believe should be an Army function, as far as national defense is concerned.

Mr. BREWSTER. Does the gentleman realize that up to the time of the passage of this recent measure by the House the definition the gentleman lays down as to the relation between the Navy planes and the Navy did prevail, but this

relation has been disrupted for the first time by that recent measure?

Mr. DOCKWEILER. I understand that.

Mr. BREWSTER. Evidently, then, the gentleman would feel very strongly there must be a coordinating agency for all means of national defense.

Mr. DOCKWEILER. I agree with the gentleman so thoroughly upon that proposition that I believe the Army should undertake the air defense of the country, and that the Navy is attempting to undertake the air defense of the country, then we are going to end up by the creation of an air defense board and put the air defense on a basis separate from the Army and the Navy. This might be the eventuality.

Mr. BREWSTER. Does the gentleman know of any other means of coordination at the present time than the various committees of the House that have the responsibility of the House to insist that the various agencies shall submit their programs?

Mr. DOCKWEILER. I know of no other means than the one the gentleman suggests.

Mr. BREWSTER. Does the gentleman realize that in the beginning of this country the first Secretary of War had charge of the entire program of national defense?

Mr. DOCKWEILER. I did not recall that.

Mr. BREWSTER. That is a very interesting fact. So if there should be a proposal of coordination of national defense it would not be radical but conservative. It happened that a gentleman from Maine, General Knox, was the Secretary of War, and I am very much interested in having the gentleman emphasize the things he has referred to today.

Mr. DOCKWEILER. Inasmuch as national defense is so expensive and inasmuch as in the bill we have before us we have \$447,000,000, of which one dollar out of every four is spent directly or indirectly upon the Air Corps, the gentleman can realize its importance. I have no objection to this, because the Air Corps is an essential arm of national defense, but as we go along I believe we should have some definition in the department, perhaps produced through the insistence of the appropriate committees of the House, that there be a definiteness as to the function and mission of aviation in national defense.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield the gentleman from California 2 additional minutes.

Mr. DOCKWEILER. For the benefit of the citizens of this country, let me say that an army is not entirely an arm of destruction or a death-dealing machine or the like. It is not a thing built up for cruelty alone, although all warfare is cruel. Our Army has another function, and many a time in the history of this country it has come to aid and succor the civilian population in time of need or distress. I know of no better example to refer to than the visitation of recent floods during recent years in various parts of this country. There we found that the one branch of the Federal Government that could immediately function was the Army. The immediate demand would be for food, clothing, and a means of cooking food and taking care of people in distress who had been driven from their homes during the flood period. I know of no other branch of the service of the Government that could have performed this function better than did the Army engineers and the Army generally, and I pay a tribute to them.

Now, in times of peace these same Army engineers are undertaking for us in this country the carrying out of the great flood-prevention program which we stated by law was a national equation and the business of the Federal Government. They are undertaking these works in your country and in mine in a most professional and businesslike manner, all for the protection of the civilian population. [Applause.]

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield to the gentleman from Ohio [Mr. LAMNECK] such time as he may desire to use.

Mr. LAMNECK. Mr. Chairman, the gravest danger exists that the reorganization bill now being considered by the Senate will be enacted into law without the full membership of this House being given an opportunity to adequately consider the measure.

The Senate today, under the whip of administration leaders, slowly but surely is moving toward passage of the bill in substantially the form which it was introduced.

I desire to warn this House now of the imminent possibility of the Senate tacking this far-reaching measure as an amendment on to some minor bill already passed by the House and sending the proposed legislation to conference. The inevitable result of such action will be the appointment of a small conference committee of the House dominated by administration controlled Members who will accept in substantial form the Senate bill. The conference report then in all probability will be driven through in the customary rapid-fire manner without the House membership as a whole having had any opportunity to study the real meaning of this measure.

If you doubt the possibility of such action by administration leaders, you need only consider the steps taken in the proposed legislation thus far and the past history of the manner in which highly controversial measures like this with administration backing are put across.

If this program is carried out, and I firmly believe that that is the secret purpose of administration leaders at this time, it will be an outrageous affront not only to the 435 Members of this House, but to the 130,000,000 persons whom they represent. Members of this House are elected under our system of Government for the primary purpose of representing the grass-roots view of the country. They are sent here especially to pass on bills of such a revolutionary nature as this one. House Members are supposed to be, and, indeed, are in much closer touch with the wishes of the individual voters in their districts than the Members of the Senate. By the very nature of things, a Senator representing an entire State cannot be expected to get the intimate reflexes of many individuals either by personal contact or by correspondence as Members of the House. Therefore, it is especially important that when a measure of the character of the reorganization bill, which strikes at the very foundation principles of our Government, comes before the Congress it should be given the most mature consideration, especially by the 435 Members of the House. To deprive the closest representatives of the citizenry of an opportunity to make a careful study of every provision of this bill and express their views fully and openly in unlimited debate would be high-handed procedure of the worst type. Yet that, I am very fearful, is what is about to happen.

I do not intend to intimate that any conference committee appointed by the present House would not do as well as any other conference committee past or present, but I do say that no conference committee, and especially an administration dominated one, could possibly express the House viewpoint in detail. Ours is a democracy in which free expression in the Congress is curbed only on the rare occasions when gag rules are brought in. Any plan looking to the general abrogation of this rule would at once arouse the almost unanimous resentment of the free people of the United States. Unfortunately, under Congressional rules, it is possible to bring about the same result by resorting to the type of legislative practice to which I have referred and then, all too late, the people will realize that their Representatives in the House have not had an opportunity to be heard.

Let me utter this warning as solemnly and emphatically as possible: The majority of the people of the United States mistrust the provisions of this bill. The general plan of putting so much power in the hands of one individual is highly repugnant to them and it is growing more offensive daily. In saying this, I do not wish to be recorded as insisting that this attitude is due to any personal qualms about the integrity of any individual to whom it is proposed to give this unprecedented power. I think, perhaps, the people of

the United States have as high regard for the personal integrity of the man in whose hands the power would be placed by this bill as any executive who ever has sat in the White House. At the same time, they are unalterably opposed to giving any individual in executive authority even at present or in the future so much control over Government destinies as this bill contemplates.

Dictators never were popular in this country. It was the exercise of dictatorial powers against the rights of the colonists which caused them to break off from the mother country and set up a democracy. Throughout the life of this Nation that feeling against dictatorial powers and the exercise of them has remained firmly imbedded in the minds and hearts of free American citizens. True, at times it has seemed that this feeling was less assertive than perhaps in the early days of the Republic, but anyone who thinks that it ever died is vastly mistaken.

I will agree that during the troublous periods through which we have passed in recent years, not only under the present administration but under former administrations, there has been a tendency to centralize unusual power in the Executive, but the people agreed to these steps under the distinct impression that changes were being made merely to meet emergencies. At no time would the people of this country ever agree to the grant of vast dictatorial powers over a long period of time or in perpetuity. Especially in recent weeks has this age-old feeling against dictatorships reasserted itself. The reason is very apparent. The utter chaos that is reigning in many European countries and threatening the peace of the world today is directly traceable to the concentration of power in the hands of dictators. The American people recognize this fact, and hence they are rising up determined to prevent anything akin to the European situation happening here.

You all know the main provisions of this reorganization bill. You know, for instance, that it proposes to permit the Executive to reorganize the 133 independent departments and agencies of the Government into a smaller number of executive departments and agencies. If ever in the history of this Nation there was a proposal to grant dictatorial powers to an Executive, it is in that provision that I have just mentioned. Nevertheless, the Senate committee report on this measure, after pointing out this sweeping provision, adds that one of the main purposes of the bill is to "afford the Congress a more effective means of holding the Executive to account." If there were nothing else in connection with the measure except the conflict in these two statements, this would be sufficient to warrant extended debate in this House.

I am unalterably opposed to the passage of this measure; especially am I opposed to its enactment into law merely with the advice and consent of the Senate. That in a word is what sending it to conference in the manner which I predict would amount to. In such an instance the House membership would be reduced to less than a "rubber stamp." I for one do not think that the people who sent us here want that kind of misrepresentation, and the country as a whole deserves braver action on our part. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield such time as he may desire to use to the gentleman from New York [Mr. BARTON].

Mr. BARTON. Mr. Speaker, from statistics furnished by the Legislative Reference Bureau of the Congressional Library it appears that the record of the last 10 Congresses, the Sixty-fifth to the Seventy-fourth, inclusive, is as follows:

Total bills introduced.....	208,567
Total laws enacted.....	11,182
Total laws repealed.....	140

These figures give rise to solemn and disturbing reflections. Think first of the 208,567 bills which poured into the hoppers of the two Houses—a Niagara of sincere but misguided intent. How many fond hopes were here embodied for the immediate introduction of the millenium; how many schemes for revising human nature, suspending the law of action and reaction, and giving everybody everything without worry or work. Surely the citizens of this Republic owe a debt of gratitude to their Senators and Representatives which is all too seldom

realized. Two hundred and eight thousand five hundred and sixty-seven laws were threatened; only 11,182 were passed. The committees of the House and Senate stood firm against the avalanche. For every law enacted they rejected more than 17. Let the Nation render them gratitude and praise.

Contrast, however, the 11,182 statutes enacted and the 140 that were repealed. The mere recital of the figures is enough to excite suspicion. Surely in such a mass of legislation there must be a carload of duplication, error, and waste. No body of men, however patriotic and inspired, can be right in the proportion of 80 to 1. Obviously far too much thought and time was devoted to loading new laws onto the bent back of the body politic; altogether too little attention was given to the question, How may the load be made less?

Mr. Speaker, I have introduced today a resolution asking for the appointment of a joint committee of the Senate and House to study and review the statutes of the United States and recommend a thorough house cleaning via repeal. This is a nonpartisan matter. There should be no more difference of opinion about bad and useless laws than there is about the boll weevil, diabetes, or any other public curse. I trust that my resolution may have the prompt and wholehearted support of my colleagues on the majority side.

All thoughtful men agree that any new law is always of doubtful value; every repeal is a step in advance. To this truth the great historian Buckle testified in his *History of Civilization in England*. Said he:

There is another circumstance worthy of the attention of those writers who ascribe a large part of civilization to measures originated by European governments. This is, that every great reform which has been effected has consisted, not in doing something new, but in undoing something old. The most valuable additions made to legislation have been enactments destructive of preceding legislation; and the best laws which have been passed have been those by which some former laws were repealed.

Since becoming a Member of the House I have introduced measures calling for the repeal of 12 statutes, and I propose to introduce one such resolution every week. Regarding some of these there may be a difference of opinion. A few of my Democratic colleagues may not be yet convinced that the farm bill, for example, or the Guffey Coal Act are as bad as I think they are. Let us therefore pass over any measures about which there can be a possibility of doubt. Let us tackle first these laws on which we can all agree—the so-called emergency acts passed under the panic and distress of 1933, which transferred temporarily to the President powers that belong and must be returned to Congress.

Either the emergency of 1933 is over, in which case Congress should take back these delegated powers, or the emergency is still upon us; in that case Congress should take back its powers anyway.

Mr. Chairman, these last 5 years the American people have been suffering from a malady which recurs periodically in our land. It might be termed "legislativitis." It is characterized by an abundant and childlike faith in the power of laws to fix up everything. History, science, and literature all bear testimony to the error of this notion. Said the great Samuel Johnson:

How small of all that human hearts endure
The part that kings or laws can cause or cure.

Mr. Chairman, let us make this Congress famous. Let it go down in history as the great repealing Congress. Let us unshackle the energies of our people, cure them of their mistaken faith in the omnipotence of legislation and, in the words of the immortal Lincoln, give them "under God a new birth of freedom." [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I take advantage of this opportunity to put into the RECORD some things for constitutional lawyers to shoot at, quite as much as for any other purpose.

As I was listening to the remarks of my colleague the gentleman from Michigan [Mr. HOFFMAN] relative to the removal by the President of Mr. Arthur E. Morgan as a member of the T. V. A., the dissenting opinion of Mr. Justice

Holmes in the Myers case came to my mind. I think it is especially pertinent in the consideration of the question of the right or power of the President to remove Mr. Morgan, and I desire to call the attention of the House to what Mr. Justice Holmes said in that case and to read a portion of his opinion into the RECORD.

In his message to Congress yesterday setting forth the reasons which impelled him to remove Arthur E. Morgan, the President said, pending any "inquiry into the administration of the Tennessee Valley Authority or its policies which the Congress may deem in the public interest," that "I cannot in the meanwhile abdicate my constitutional duty to take care that the laws be faithfully executed."

The T. V. A. Act contains one provision only which expressly gives the President authority to remove any member of the T. V. A. Board. That is the provision which provides that any member of the Board who appoints or is a party to appointing any employee of the Authority for political reasons shall be removed by the President.

On the other hand, the act contains the following affirmative provision:

Provided, That any member of said Board may be removed from office at any time by a concurrent resolution of the Senate and the House of Representatives.

Whether or not that gives Congress the exclusive power of removal, except for the one reason to which I have referred, is the question involved and the only question open to argument. Without ever having talked with him personally about the matter, it has always been my understanding that the author of the act intended at least that the power of removal should rest exclusively with Congress except in the one particular to which I have referred, and that the President should not have the power to remove except in the one case specifically provided for in the act.

There has been a good deal of talk in the last weeks, even before this case of Mr. Morgan arose, about the inherent power of the President to remove appointive officers. It always seemed to me that the late Mr. Justice Holmes in his dissenting opinion in the Myers case summed up the whole question in a very few words. Mr. Justice Holmes, of course, was known as the great dissenter, and over the years as the greatest liberal on the Supreme Court. It may be that in the process of time he would now be considered the great conservative, because he certainly took a position contrary to that advocated by some of the alleged liberals in these days. On the other hand, it may be that some present-day policies which are labeled liberal are actually reactionary and not progressive or liberal at all. The concluding sentence of Mr. Justice Holmes in his dissenting opinion in the Myers case is as follows:

The duty of the President to see that the laws be executed is a duty that does not go beyond the laws or require him to achieve more than Congress sees fit to leave within his power.

In other words, while it is his duty to see that the laws be faithfully executed, he must ascertain first what the laws are and not attempt to transgress the law as Chief Executive. The President is subject to law quite as much as anyone else.

I have read the concluding sentence of the dissenting opinion of Mr. Justice Holmes in the Myers case. I shall read the whole of it for the RECORD, with the exception of the introductory sentence. It is short and as follows:

The arguments drawn from the executive power of the President and from his duty to appoint officers of the United States (when Congress does not vest the appointment elsewhere), to take care that the laws be faithfully executed, and to commission all officers of the United States, seem to me spider's webs inadequate to control the dominant facts.

We have to deal with an office that owes its existence to Congress and that Congress may abolish tomorrow. Its duration and the pay attached to it while it lasts depended on Congress alone. Congress alone confers on the President the power to appoint to it and at any time may transfer the power to other hands. With such power over its own creation, I have no more trouble in believing that Congress has power to prescribe a term of life for it free from any interference than I have in accepting the undoubted power of Congress to decree its end. I have equally little trouble in accepting its power to prolong the tenure of an incumbent until Congress or the Senate shall have assented to

his removal. The duty of the President to see that the laws be executed is a duty that does not go beyond the laws or require him to achieve more than Congress sees fit to leave within his power.

Mr. Chairman, as I said at the beginning of my remarks, I put these extracts from the law and this dissenting opinion of Mr. Justice Holmes in the Myers case in the RECORD to give something for the constitutional lawyers in this body and outside of it to shoot at.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. ROBSION of Kentucky. If the Myers case should be followed, then it is within the power of the Chief Executive to destroy any term of an appointee, is it not?

Mr. MAPES. I do not know that I would go as far as that. The Myers case was qualified a good deal a few years later by the Humphreys case. The majority opinion in the Myers case emphasized the executive character of the postmaster and it limits the inherent power of the President to remove appointees to those exercising executive functions.

Mr. ROBSION of Kentucky. I meant to exclude that. It would give the power to the President, although the Congress has created the office and the terms, if the Myers case be followed. In that event the President would have the right to disregard and cut down any term or to destroy those officers purely executive.

Mr. MAPES. I think the gentleman's observation is correct.

Mr. ROBSION of Kentucky. And that is the position as to which Mr. Justice Holmes expressed his opposition, maintaining that Congress, having created the office and the term, the President cannot destroy them.

Mr. MAPES. Absolutely. I do not know how pertinent this observation may be, but I have always wondered how much the former experience of the then Chief Justice as Chief Executive of the United States influenced the Court or the majority of it in arriving at the conclusion it did in the Myers case.

Mr. ROBSION of Kentucky. The gentleman did not express his view as to whether the President had the right to remove Dr. Morgan as chairman of the T. V. A.

Mr. MAPES. In my judgment the action of the President in that regard is contrary both to the spirit and the letter of the law creating the Tennessee Valley Authority.

Mr. ROBSION of Kentucky. And inasmuch as the act itself picked out one particular instance or state of facts in which the President could remove a director of the T. V. A., does it not necessarily follow that Congress intended to limit his power to remove to that particular instance?

Mr. MAPES. I think that is a fair conclusion. As I said, I think the author of the act himself intended to write into the act a provision which would make it impossible for the present or any other President to remove any member of the Board except for the one cause that is expressly provided for in the act. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. When the ordinary citizen, who has no definite partisan bent or predilection, ponders the executive reorganization bill with special reference to the one-man civil-service administrator set-up, I think it is fair to say he will seek to evaluate Mr. Roosevelt's contributions to the merit system.

Mr. MICHENER. Mr. Chairman, will the gentleman point out what they are?

Mr. BACON. I am going to. To go on, the average citizen cannot help but associate Mr. Roosevelt personally with the civil-service provisions of the reorganization bill. He is likely to give weight to the President's words on the subject of the civil service and the merit system, especially when these words are spoken earnestly, and, indeed, solemnly; and that is as it should be.

The debate in the other body, the debate in this body, and the discussions throughout the country are wholesome. The more light that is shed on the executive reorganization bill and its implications the better. If we are to make vital changes we should know precisely what they are, what they signify, and where they will lead us.

In measuring the Chief Executive's responsibility and duties under the proposed bill it is natural, however, and also fitting and proper that we should try to measure what he has done for the civil service in all of its branches. From his past actions we may gain knowledge of what we may expect. And we should consider what he has done as the result of his own orders and the earnestness with which he has directed himself to having them carried out.

In my estimation Mr. Roosevelt has failed, pitifully, in the execution of his own orders to remove politics from the civil service.

Not only has he failed to defend and strengthen the merit system, but the record of results under his own Executive orders shows that civil service has been undermined.

In the time that has been allotted to me this afternoon I shall address myself simply to the record and results of Mr. Roosevelt's Executive orders on the subject of postmaster appointments and his repeated statements that he favors the removal of politics from these appointments.

I shall give you the facts, and in referring to my conclusions or opinions I shall refer to the available evidence.

With reference to the operations under the President's Executive order of July 20, 1936, providing for examinations in Presidential postmaster appointments in offices of the first, second, and third classes I have come to this opinion: I am drawn strongly by the feeling that Mr. Roosevelt is either the victim or accessory in the political sabotaging of his own order laying down the procedure to be followed in making these appointments.

Likewise, I am minded to believe from the facts that the Postmaster General is at least the responsible agent in wholesale violations of what seems, to use brutally frank language, to be a New Deal postmaster patronage plot.

Under the Executive order of 1936 dozens and dozens, if not hundreds, of certifications by the Civil Service Commission to the Postmaster General have been scorned and flouted. As a matter of fact, I intend to place in the RECORD a list of 235 specific cases.

The CHAIRMAN. The gentleman understands that under the rules nothing can be inserted in the RECORD until permission has been obtained in the House.

Mr. BACON. I may say to the Chairman that while we were still in the House I obtained permission to insert these matters.

There is a suggestion of willful refusal by the President and the Postmaster General to appoint in the cases which I mentioned, and to which I shall refer, the highest eligible on the Civil Service Commission's certificates, which the Executive order demands shall be appointed.

In the cases that I have studied the Civil Service Commission is powerless in the face of the repeated flouting or disregard of the Executive order. They are absolutely unable to do anything but make the certifications. That is the limit of their duties and responsibilities.

I have found where war-veteran eligibles, or men with veterans' preference, are discriminated against. I have found cases where their appointment has been held up, even though they are the highest eligibles on the Civil Service Commission's certificates.

The record shows that instead of widening the civil service, strengthening it, or even maintaining its principles, in the appointment of postmasters, the entire competitive classified civil service has been discriminated against.

I have found that by Mr. Roosevelt's own Executive order of July 12, 1933, 235,000 classified postal employees—the men in the ranks—were proscribed from taking postmaster examinations by direct and measured terms written into the Executive order itself. And this proscription, or interdiction,

or discrimination—or whatever you want to call it—operated against all these employees, whether veterans or not, and no matter what their grade was in the Postal Service, from assistant postmaster down.

Let me attempt to trace out for you the factual border lines in support of these statements.

EXECUTIVE ORDER OF JULY 12, 1933

When Mr. Roosevelt came into power in 1933 he issued the Executive order of July 12, 1933. Anyone who read it casually would have at once seen in it similarities with previous orders touching the procedure relating to the appointment of Presidential postmasters. That Executive order provided for an examination by the Civil Service Commission with the right to the Postmaster General to submit to the President the name of one of the three highest eligibles. It seemed to be simply a continuation of the old spoils system, and the people as a whole were not shocked. It had been done before, it was the custom to do it, and Mr. Roosevelt was simply doing it again.

But it was not simply the same old kind of order; it was not simply the kind of order the people were used to. There was something new in this order, radically new, startling! There was a provision in this order that has never been in any Executive order before. It was a provision that struck at the very heart of the merit system. It was an antidemocratic order. As part of my remarks I shall include the Executive order of July 12, 1933, and I invite special consideration to these words in the second sentence of the first paragraph:

Not in either of the above-mentioned classes to fill such vacancy.

Those words were truly Machiavellian in conception. But in blunt terms they meant simply that no man in the ranks of the classified Postal Service would be given the privilege of gaining appointment as postmaster by competitive test; that no such man or woman could hope to win promotion by successful competition in the examinations provided under this Executive order. This proscription applied to every man in the ranks, the assistant postmaster, the superintendent of mails, the financial clerk, the senior clerk or carrier, or any other classified employee. In other words they were specifically barred from competing in the examinations.

Of course, I can see the reason for it. That simply eliminated competition so that New Deal pets would have a break in getting on the civil-service list. If you start out and eliminate anybody with a civil-service status, and particularly anyone who has been a former postmaster, and more particularly if you eliminate 235,000 men in the Postal Service who could qualify by their long experience, the New Deal pets might perhaps get a break.

Mr. PIERCE. Will the gentleman yield?

Mr. BACON. I yield to the gentleman from Oregon.

Mr. PIERCE. Is it not the right thing to do to eliminate those in the civil service and reach out to find the ones to be appointed postmaster from the community itself? These examinations are based largely upon what the community says as well as the answering of a lot of fool questions.

Mr. BACON. That is true under the civil-service rules. A man must live in the postal district for which he takes the examination. There is no question about that. There are a great many civil-service postal employees in every single postal district who are barred by this Executive order from taking the examination. I know of no other case in the history of this country where a great body of American citizens were deliberately barred from taking a competitive examination by Executive order of the President of the United States. And, mind you, he did not carry that prohibition into his latest Executive order—July 20, 1936. I assume he did not dare.

Mr. MICHENER. Will the gentleman yield?

Mr. BACON. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman from Oregon [Mr. PIERCE] has suggested that the reason for this is the fact that the postmasters should be the choice of the local people. I call his attention to numerous cases, one in particular, in which all of the people, practically everybody getting mail

through that particular post office, petitioned for the continuation of a local postmaster. An examination was held under that Executive order. The man petitioned for took the examination and passed it, but because he did not have the New Deal party endorsement another examination was held, or at least two were held, before a selection was made, while they had an eligible all the time. I will give the gentleman the name off the record.

Mr. BACON. There are many cases like that.

But this provision of proscription had its political flavor, too. It directly made it impossible for any incumbent postmaster—and in 1933 all the incumbents were Republicans—to take the examination. In other words, he was barred, eliminated, disqualified from competing. And under the set-up of the Executive order it was more than easy to appoint those that the New Deal looked on with favor.

In this connection let us not forget, Mr. Chairman, that it is the names of these postmasters who were originally appointed under the 1933 order that are now being sent to the Senate for renomination, by the droves. It is these postmasters who won their postmasterships by the grade of competitive test which outlawed every incumbent postmaster and every classified postal employee from competing against him. It is these men which the Ramspeck postmaster bill and the McKellar bill would perpetuate in office. It is these men who will be kept on and who were given the jobs simply because everybody else was not given a fair, sporting chance.

This is the first time in history that a President of the United States has signed or sanctioned an order proscribing in terms hundreds of thousands of American citizens, en bloc, from competing for appointment in the very service of which they are the real heart and soul.

Please keep in mind the one-man civil-service administrator idea. The implications of that provision will shout at you unceasingly.

The Civil Service Commission under the Executive order of July 12, 1933, was powerless. They had been muted. Theirs was not the duty or the right to question why. Theirs was simply the disagreeable duty to inform every man who applied from the postal ranks for an opportunity to take the examination that the Executive order of the President disqualified them—that they were not eligible. The Commission had to write the same kind of letters, also, to incumbent postmasters who made applications. What a sorry duty the Commission had.

What was the administration's justification? What is the administration's justification? I have tried to search out every nook and cranny for some answer that would dispel the sordid implications of that infamous order. But I have found none. My opinion is that this great body of American citizens were disqualified from taking the examinations simply to make sure that nothing would develop that might embarrass the New Deal patronage scheme and the ability to fulfill the many job promises that had been made.

Before leaving this particular subject, I cannot help but read to you a quotation from the minority report on the McKellar postmaster-appointment bill, which can be found on page 11, Senate Report No. 1296, Seventy-fifth Congress, subscribed to by Members in the other body from Wyoming, Kentucky, and Wisconsin. And the Member from Wyoming used to be a high official in the Post Office Department, and I believe he correctly interprets the public mind. The quotation states:

Every postal employee, when he enters the Postal Service, should feel that by diligence and ability he could attain a postmastership, and that, even when an administration changes, no political employee could come into the post office in which he works and begin immediately to receive a salary of 40 percent in excess of that which he receives.

What a commentary on Mr. Roosevelt's order of 1933. And I simply want to add this: In the same month of July 1933, when the Executive order of July 12 of that year was issued by Mr. Roosevelt, the following statement appears in the

Fifty-first Report of the United States Civil Service Commission—the 1934 annual report of the Commission:

In July 1933 the President endorsed the view, long held and often voiced by the Commission, that it would be economical if all postmasterships were brought within the competitive classified service, as is the case with fourth-class post offices.

There you have consistency of philosophy and purpose.

THE EXECUTIVE ORDER OF JULY 20, 1936

Bad as the Executive order of 1933 was, it does not outstrip by much the seeming baiting of the public credulity and trustfulness exemplified in the operations under the Executive order of July 20, 1936, relating to postmaster appointments.

Mark the time this order was issued—July 1936. Some people will remember Mr. Landon's civil-service plank and his insistence that it be incorporated in the Republican platform. I cannot search out the President's mind, but I think it is a fair statement that millions of people in this country appraised the President's Executive order of July 20, 1936, simply as a means of removing civil service and the merit system as an issue in the elections.

And, of course, this order of July 1936 gave Mr. Roosevelt the right to parade before the country his liberal and solicitous views touching civil-service reform and the extension of the merit system.

But whatever its genesis, whatever its purpose, what has it really done? Has it been carried out, and how? Have the public expectations been met, or did this formal Executive order—in effect a law of the land—deteriorate simply into a scrap of paper which could be torn up or disregarded after the election was safely won?

I include the Executive order of July 1936 following these remarks. What are its provisions? Simply these: That where the Postmaster General does not recommend to the President the appointment of the incumbent postmaster—he would be the man appointed under the infamous 1933 order—or the appointment by promotion of a classified employee, the Civil Service Commission shall forthwith hold an open competitive examination. It then directs the Civil Service Commission to certify the results thereof to the Postmaster General, who shall thereupon—mark those three words “who shall thereupon”—submit to the President for appointment to fill the vacancy the name of the highest eligible.

That is all there is to it. When an examination is had the highest eligible shall be appointed.

That is a fine order. But any order is good only if it is carried out.

In the past few months charges had been made to me that the President was deliberately holding up the names of many of these highest eligibles as a result of the examinations that had been had, that violations of the Executive order were country-wide, that the discriminations that touched veterans and nonveterans and Republicans and Democrats alike. Charges were made that the Postmaster General had requested the Civil Service Commission to review the examination papers in many cases. And that even where the Civil Service Commission recertified the same highest eligible, that still the man or woman, as the case might be, was not being given the appointment; that inordinate delays were being had and provoked.

I was told that there were examples of such instances in my own district. After pondering the matter, I investigated it and made such studies as I could.

The records of examinations under the Executive order of July 20, 1936, were available to me on request of the Civil Service Commission. I asked them for a list of the offices where examinations were held since this order was promulgated.

A check of these records against the nominations transmitted to the Senate developed many cases where the certifications had been made by the Civil Service Commission a long time ago, but where, for some reason or other, no nominations had been sent to the Senate. Naturally, I have had to rely on the CONGRESSIONAL RECORD and the indexes.

I found about 235 cases where the certifications had been made to the Postmaster General by the Civil Service Com-

mission, but where no nominations had been transmitted to the Senate by the President. These cases I have listed, and I include them as part of my remarks, as an exhibit.

The Executive order of 1936 is plain; it should mean what it says; but I found it simply does not operate the way it reads. Under it the Postmaster General simply has one function—to take the certification of the highest eligible by the Civil Service Commission and on getting it from the Commission to submit it to the President immediately, or at least within a reasonable time. The Postmaster General has no other duty, and, as I read the order, he has absolutely no right to delay the submission of the name of the highest eligible to the President.

But I want to say this, so far as the Postmaster General is concerned: I have never been able to find out whether the Postmaster General, in holding up appointments, has been doing it as an arbitrary act or whether he has simply been acting as the agent of the President, which he is.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Has the Postmaster General ever publicly favored the merit system? I do not recall any public utterances by him to that effect.

Mr. BACON. Not that I know of; but the President has.

Mrs. ROGERS of Massachusetts. I realize that.

Mr. BACON. The President has given most eloquent lip service to the merit system. I just wish to show, however, how he is carrying out this beautiful Executive order of July 1936.

Mrs. ROGERS of Massachusetts. The gentleman feels the President is yielding to the influence of the Postmaster General, perhaps?

Mr. BACON. I believe that perhaps the Postmaster General, as the President's agent, is simply carrying out his orders. I am not blaming the Postmaster General. I think the blame must be put squarely on the man to whom the Postmaster General reports.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. In refreshing my recollection concerning this Executive order, which the gentleman is inserting in his remarks as exhibit D, I note it provides in section 1 (a) as follows:

The Postmaster General may recommend to the President the appointment of the incumbent or the appointment by promotion of a classified employee of the Postal Service in the vacancy office, provided either such incumbent or such classified employee is found eligible by the Civil Service Commission by a noncompetitive examination, or (b) upon request to the Postmaster General—

And so forth.

Mr. BACON. The gentleman is quite correct.

Mr. LEWIS of Colorado. I am simply asking for information.

Mr. BACON. I am pleased the gentleman has brought up this point. I am not talking about section 1 (a). There are many cases under 1 (a) where the incumbent postmaster has been reappointed. I am discussing 1 (b), where the Civil Service Commission holds examinations.

It is true that under section 1 (a) the Postmaster General may recommend the appointment of the incumbent or may promote somebody within the civil service. That is quite true, but if he does not do that, then he goes to section B where he may request the Civil Service Commission to hold an open, competitive examination and certify forthwith the No. 1 man on the list.

I am discussing the 235 cases where he has chosen to proceed under B, and where the No. 1 man on the list has not been nominated to the Senate. I dare say there may be cases where he has promoted somebody within the service.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. BACON. Yes; I yield.

Mr. LEWIS of Colorado. Is the gentleman from New York quite sure that he is not confusing some cases where the action was being taken under 1 (a)?

Mr. BACON. No; I am not confusing them. I am giving the complete list with the date of certification by the Civil Service Commission as a result of the open, competitive examination under 1 (B). I had that in mind.

In order to determine what significance, if any, was behind those instances where there were inordinately long delays or hold-ups in making the appointments of the first eligibles, I had checked every case where an examination was had under the 1936 order in my own State, New York, through February 15. The results were startling and amazing; but from my viewpoint the implications are extremely serious. They show disregard and seemingly designed violations of the Executive order, discriminations against Republicans and Democrats alike and against persons who have veterans' preference. And in my estimation they indicate collusive effort to keep in office men and women who do not qualify under the President's order. In short, that the Executive order, instead of providing an extension of the civil-service merit and career system, is, instead, used as a football for politics.

In delineating what I found in my own State of New York I shall not mention names in connection with these post offices. I have them. And I have the names of all the candidates who took the civil-service tests, and if anybody wants to see them, they can. But for the purpose of these remarks I shall designate the principal persons simply as A and B.

I shall begin with my own congressional district, where I found much to instruct me and disgust me.

THE RECORD IN NEW YORK STATE, WHERE THE NOMINATIONS OF THE HIGHEST ELIGIBLES ARE BEING HELD UP

East Quogue: The highest eligible was Miss A, a Democrat. The acting postmaster is Mr. B. Now, Mr. B came out second in the examination. But is Miss A, the highest eligible, getting the appointment? She is not. Why? I am informed that an intercounty Democratic factional fight is under way and the Post Office Department does not want to favor the side against the county Democratic leader. So Mr. B, the acting postmaster, stays on, although he was appointed acting postmaster only way back in September 1936. Miss A, the highest eligible, was certified to the Postmaster General on June 5, 1937.

Long Island City: Now, here is Long Island City, outside of my district, a very large office, one of the largest in the country. It is a first-class office, paying a salary of \$6,000 a year, a real plum. Mr. A is the highest eligible. Mr. B is the acting postmaster. But, strangely enough, Mr. A was the only man certified by the Civil Service Commission; all the others did not meet the minimum requirements. And Mr. B, the acting postmaster, was also one who took the examination, but he did not meet the minimum requirements. But that means nothing. While he was appointed acting postmaster in February 1937, he is still carrying on. Perhaps the fact that he is said to be Democratic leader in the first assembly district of Queens County, the county leader's home district, perhaps that has something to do with it. But Mr. A, the only eligible on the list, has that honor, but nothing else. I have not the faintest idea of Mr. A's politics. But Mr. B has the job and also the \$6,000 a year salary. Mr. A was certified on August 12, 1937.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. BACON. Yes.

Mr. TABER. If the so-called civil service reorganization bill is passed, giving the Executive absolute control of the Civil Service Commission, without any bipartisan board, there would be no trouble in having the incumbent, Mr. B, certified as No. 1?

Mr. BACON. That is exactly the truth; and, as I stated in my opening remarks, it seems to me we have got to evaluate this civil-service provision in the reorganization bill in connection with the record of Mr. Roosevelt in his actions affecting the civil service

Here is another case. It is in my district:

Stony Brook: Here is Stony Brook. Mrs. A is the highest eligible. Mr. B is the acting postmaster, who was appointed August 1936. But Mrs. A came out first and Mr. B came out second in the examination. Now, Mrs. A is a Republican; she used to be the Republican postmistress, and she was a fine postmistress. But that does not help. Mr. B is vouched for and Mrs. A is not. So the President's executive order is not permitted to operate. Mrs. A, the highest eligible, was certified to the Postmaster General on June 4, 1937.

In this case also the Postmaster General asked the Civil Service Commission to review the papers. They did so, and they again recommended Mrs. A. But still no action.

Syosset: Mr. A is the highest eligible. He also has veterans' preference. Mr. B is the acting postmaster and also, it is said, the Democratic committeeman. Mr. B was No. 2 in the examination. Nothing happens. Here again the Postmaster General asked the Commission to review the papers, and here again they certified the same man, the man with the veterans' preference. But nothing happens, even though Mr. B has been acting as postmaster since April 3, 1936, and he cannot under the Executive order receive the formal appointment. Mr. A, the highest eligible, was certified to the Postmaster General on July 8, 1937.

Southampton: Here is another one in my district. Mr. A is the highest eligible. He is a Republican. He used to be postmaster and a good one. He came out No. 1 in the examination and the acting postmaster came out No. 2. The latter, I am informed, is a Democrat. He has been acting postmaster since August 24, 1936. Mr. A was certified on June 18, 1937, but here again the Executive order does not operate.

Wantagh: Another one from my district. Mrs. A is the highest eligible; she was also the former Republican postmistress. Mrs. B is the acting postmistress, but she was way down in the examination. The Department is up against it here, because both the highest eligible and the second name are Republicans. But Mrs. B, the acting postmistress, is carrying on and has held the office since February 20, 1937. Mrs. A, the highest eligible, was certified on July 14, 1937.

Chautauqua: Here is one from outside my district. Chautauqua, N. Y., a second-class office, paying \$2,500 a year. Mr. A is the first eligible and Mr. B the acting postmaster, who has been holding the office since June 30, 1936. Now, Mr. B also took the examination, but he could not meet the minimum requirements. However, he is still carrying on and no nomination is being sent up for Mr. A, the highest eligible.

Cold Water: Here is one touching Cold Water. Mr. A is the highest eligible; Mr. B the acting postmaster. But Mr. B could not meet the minimum requirements. However, he is still carrying on and has since December 7, 1936. Mr. A was certified to the Postmaster General on January 6, 1938.

Horseheads: In this case—the only one I find that may present merit—Mr. A is the highest eligible; he is the acting postmaster, but he is a Republican. It seems that the Department will have to nominate this man.

Narrowsburg: Here the first eligible is a man with veterans' preference. I do not know his politics. Mr. B is the acting postmaster and Mr. B also came out second in the examination. The Postmaster General has asked the Commission for a review of this case, but the report is not yet back.

Philmont: This case "takes the cake" for pure brass. Mr. A is the highest eligible; the acting postmaster is Mr. B. Now, Mr. B, who also took the examination, did not meet the minimum requirements. Yet here the Postmaster General specifically asked the Civil Service Commission to review, not all the papers, but that of the man who could not meet the minimum requirements. This man is a Democrat. However, the Commission has not yet recertified the case and we do not know what may happen. But what about three other eligibles who did qualify?

Nedrow: This is a comparatively small office of the third class paying \$1,600. Mr. A is the highest eligible; Mrs. B the acting postmistress. Mr. A is a Republican; Mrs. B a Democrat. Nothing happens, notwithstanding the President's Executive order. Mrs. B did not get a passing mark,

but she is still holding the office and has held it since September 1936. Mr. A, the highest eligible, was certified to the Postmaster General on June 24, 1937.

Rose: This is a little office, paying \$1,100. Miss A is the highest eligible and Miss B is the acting postmistress. Now, they are both Democrats, as I understand it, but evidently one is not the right kind. Anyway, although Miss A is the highest eligible, she does not get the job, and Miss B, who is second on the list, carries on, as she has done since July 12, 1937. Miss A, the highest eligible, was certified to the Postmaster General on September 18, 1937.

West Albany: Here is one from the Albany district, a Democratic congressional district. Mrs. A is the highest eligible; Mr. B is second on the list, and he is also the acting postmaster. But the trouble here seems to be political also although I understand that Mrs. A is a Democrat. It seems that Mr. B is the brother-in-law of the Democrat district leader. Mrs. A was certified to the Postmaster General on June 12, 1937.

Firthcliffe: This community is in Orange County. Mrs. A is the highest eligible. Mr. B is the acting postmaster. Mrs. A is a Republican, was the former postmistress, an efficient one, and a very popular woman in the community. Now, Mr. B, the acting postmaster, also took the examination, but he came out third on the list. In this case nothing happens, even though the certification of Mrs. A was made on June 30, 1937. Mr. B, the unsuccessful candidate, is holding on to the office from July 1, 1937.

New Hamburg: Here is New Hamburg, in the President's own congressional district, in Dutchess County. Mr. A is the highest eligible. Mr. B is the acting postmaster. Mr. B also took the examination, but he came out third. Here, again, nothing happens, and the acting postmaster keeps on with the office to which he was appointed in September 1936. Mr. A, the highest eligible, was certified in June 1937.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ENGEL. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BACON. Yes.

Mr. JENKINS of Ohio. I have listened to the gentleman, and I think his discourse is instructive, especially to Democrats, because now they will know why the names of many of their post-office appointees have not been sent to the Senate.

Mr. BACON. I hope they are going to examine these lists which I shall put into the RECORD with great care. They will find them illuminating.

There you have the result of the investigation I made into the postmaster situations in New York, where the appointments were held up what seemed to be an unreasonable length of time. The average New York case, where there was no delay, and hence no political trouble of any kind—Republican or antinew dealer or what not—took 27 days between the time the Commission made its certification and when the nomination was sent to the Senate. But in these cases in New York which I have given you, where there was trouble, here the delay stretched an average of 140 days, and the delay is continuing on.

And what does the Post Office Department tell Members who inquire as to why so and so, the highest name on the eligible list, does not receive the appointment? If you can get a responsive answer from the Department you can get something that some of my colleagues could not. In one case where inquiry was made, it took the Department 10 minutes to say they could not give the reason. The usual reply was, "I don't know"; "I couldn't answer that"; "Maybe it will be sent up soon"; "Maybe not," also.

Yet these New York cases are open and shut cases. There are included in them cases where the Department has asked for reviews of the Civil Service Commission, where the Commission has made the reviews, and where they recertified the same names again. Yet nothing happens under the President's executive order.

I do not know what the cases outside of New York will show in detail. But I have much more than simply suspicion, because I have no reason to feel that New York State is not a typical case. And if New York is typical, the same sort of situations will be found elsewhere. It is true that in a number of these cases, where no nominations have been made, especially where the certifications were transmitted to the Postmaster General this year, are proper cases and that the delay in making the nominations is simply a routine affair.

But with the record of New York State guiding me out of my garden of innocence, I am also convinced that in many, many cases the delay is not simply a routine affair.

I call upon the President to see that his order is carried out. In the current T. V. A. disorder he has charged himself responsible for the carrying out of the law. He has said that if certain officials were to be allowed to do as they pleased there would be rampant disorder.

I ask his attention for the enforcement of his own order; and that he not permit or sanction it further to be flouted; that he demand respect for and observance of it.

I ask for the appointment of those men and women who have fairly and rightly won their right to appointment to postmasterships.

Here is the President's own act; it is not that of the Postmaster General. It is his duty, his responsibility. The signature on the Executive order is his.

I recall Mr. Roosevelt's own words on August 10, 1933, in his letter to the National Civil Service Reform League:

The merit system in civil service is in no danger at my hands; but on the contrary, I hope it will be extended and improved during my term as President.

And again on January 30, 1936, in his radio address to the League of Women Voters:

It matters not what political party is in power by the elective will of the people, Government functions for all, and there can be no question of greater moment, or broader effect, than the maintenance, strengthening, and extension of the merit system established in the competitive principles of the Civil Service Act.

These are fine words and fine ideas. But they do not measure action, they do not measure real contribution.

I appraise the contribution by this administration to civil-service reform and the merit system as nil. The hypocrisy and duplicity of the 1933 and 1936 Executive orders alone should come as a revelation to the American people that the only contribution to civil-service reform and the extension of the merit system by Mr. Roosevelt has been great—in lip service and his imposition on the country's trustfulness.

To give to this administration the broad, sweeping, dictatorial powers in the executive reorganization bill is unthinkable. To tear down the Civil Service Commission, and substitute a one-man civil-service administrator, would be a body blow at civil-service reform from which it would take us a long time to recover.

I cannot believe that the country as a whole is not greatly concerned at the real threat to civil-service reform through the elimination of the Civil Service Commission as an independent body of the Government. I hope that concern will become articulate—and I appeal to the people to give expression to their earnest protest.

And I hope that protest against scuttling of the Civil Service Commission and everything it has stood for will become so great that when this particular provision is considered by us here in the House it will be overwhelmingly defeated, defeated so decisively that it will never again rear its ugly head. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Under permission granted me, I include the following exhibits:

EXHIBIT A

CERTIFICATIONS BY CIVIL SERVICE COMMISSION IN PRESIDENTIAL POSTMASTER EXAMINATIONS, HELD THROUGH FEBRUARY 15, 1938, UNDER EXECUTIVE ORDER OF JULY 20, 1936, WHERE NO NOMINATIONS HAVE BEEN MADE TO THE SENATE

This list includes, with some minor exceptions, all cases where first eligibles certified by the Civil Service Commission are seemingly not satisfactory to the President or Postmaster General.

Office and date of certification

Alabama: Deatsville, January 24, 1938; Irondale, August 6, 1937.
 Arizona: No cases.
 Arkansas: No cases.
 California: Bishop, December 30, 1937; Fontana, July 27, 1937; Penn Grove, November 26, 1937.
 Colorado: No cases.
 Connecticut: Eastford, November 18, 1937; Essex, December 17, 1937; Old Lyme, August 17, 1937; Southport, April 19, 1937; Thompson, June 28, 1937; Westport, August 21, 1937.
 Delaware: Edge Moor, June 24, 1937; Georgetown, December 28, 1937.
 Florida: Branford, September 21, 1937; Milton, July 8, 1937; Sneads, April 9, 1937.
 Georgia: No cases.
 Idaho: Mountain Home, June 17, 1937; Paul, November 3, 1937; Richfield, January 22, 1938.
 Illinois: Anna, January 24, 1938; Brimfield, June 2, 1937; Cairo, November 26, 1937; Crossville, July 14, 1937; Hollywood, September 23, 1937; London Mills, June 22, 1937; Sterling, June 10, 1937; Wheeling, July 29, 1937.
 Indiana: Greenfield, August 21, 1937; Markle, June 18, 1937; Milan, June 30, 1937; Millersburg, January 25, 1938; North Liberty, August 18, 1937; Pierceton, June 28, 1937.
 Iowa: Bancroft, July 16, 1937; Correctionville, June 26, 1937; Defiance, November 12, 1937; Elk Horn, June 17, 1937; Orange City, February 12, 1938; Slater, December 3, 1937.
 Kansas: Douglass, February 12, 1938; Harper, November 4, 1937; Rossville, June 24, 1937; Spearville, June 2, 1937; Sublette, January 27, 1938; Walnut, July 27, 1937; White City, February 18, 1938.
 Kentucky: Allensville, January 27, 1938; Bandana, August 6, 1937; Clarkson, November 9, 1937; Hopkinsville, January 5, 1938; Science Hill, February 1, 1938; Slaughters, January 4, 1938.
 Louisiana: Chatham, August 9, 1937; Clarks, July 27, 1937; Clinton, July 1, 1937; Forest Hill, February 1, 1938; Gibsland, July 26, 1937; Grayson, July 17, 1937; Haynesville, August 19, 1937; Jeanerette, July 30, 1937; Lafayette, July 13, 1937; Lake Providence, August 21, 1937; Logansport, November 16, 1937; Minden, August 18, 1937; Oil City, August 18, 1937; Ponchatoula, June 24, 1937; Port Allen, June 29, 1937; Sicily Island, July 31, 1937; Zachary, July 3, 1937.
 Maine: Chisholm, June 3, 1937; Ellsworth, July 29, 1937; Kingfield, June 4, 1937; Kittery Point, June 8, 1937; Locke Mills, June 25, 1937; Yarmouth, June 28, 1937.
 Maryland: Church Hill, May 18, 1937.
 Massachusetts: East Templeton, June 5, 1937.
 Michigan: Alpha, August 5, 1937; Clio, July 19, 1937; Daggett, August 12, 1937; Dexter, July 9, 1937; Elk Rapids, June 25, 1937; Falmouth, September 22, 1937; North Branch, January 21, 1938; Otisville, June 25, 1937; Pentwater, June 4, 1937; Rapid City, September 24, 1937; Vanderbilt, November 26, 1937.
 Minnesota: Maynard, February 1, 1938; New Ulm, January 25, 1938; Pillager, August 6, 1937; Raymond, June 8, 1937; Tamarack, September 21, 1937; Watertown, June 8, 1937.
 Mississippi: Bolton, June 5, 1937; Fayette, June 7, 1937; Lorman, June 8, 1937.
 Missouri: Bismarck, July 3, 1937; Monett, February 17, 1938; Robertson, August 19, 1937; Sugar Creek, August 12, 1937; Warrensburg, July 19, 1937.
 Montana: Baker, July 19, 1937; Belgrade, July 17, 1937; Boulder, June 12, 1937; Custer, September 18, 1937; Libby, October 8, 1937; Manhattan, August 7, 1937; Troy, August 18, 1937; Valier, January 25, 1938.
 Nebraska: Bloomington, February 18, 1938; Holdrege, August 5, 1937.
 Nevada: No cases.
 New Hampshire: East Kingston, November 5, 1937; Kingston, June 26, 1937; North Rochester, June 21, 1937; Seabrook, August 21, 1937; Suncook, July 2, 1937.
 New Jersey: Cliffside Park, December 3, 1937; Dover, June 10, 1937; Englewood, December 31, 1937; Fords, May 21, 1937; Harrington Park, June 11, 1937; Hawthorn, June 14, 1937; Hillsdale, July 30, 1937; Livingston, June 24, 1937; Montvale, June 24, 1937; Newfoundland, July 7, 1937; Ocean Gate, November 11, 1937; Pine Beach, November 12, 1937; Seaside Heights, July 3, 1937; Shrewsbury, June 28, 1937.
 New Mexico: Belen, May 24, 1937; Texico, January 7, 1938.
 New York: Chautauqua, January 3, 1938; Cold Water, January 6, 1938; East Quogue, June 5, 1937; Firthcliffe, June 30, 1937; Horseheads, January 4, 1938; Long Island City, August 12, 1937; Narrowsburg, July 3, 1937; Nedrow, June 24, 1937; New Hamburg, June 7, 1937; Philmont, January 27, 1938; Rose, September 18, 1937; Stony Brook, June 4, 1937; Syosset, July 8, 1937; Wantagh, July 14, 1937; West Albany, June 12, 1937; Southampton, June 18, 1937.
 North Carolina: Flat Rock, July 2, 1937; Granite Quarry, August 18, 1937; Hope Mills, July 27, 1937; Longhurst, May 21, 1937.
 North Dakota: Kramer, September 21, 1937; Max, June 7, 1937; Northwood, January 11, 1938; Portal, August 18, 1937; Sherwood, July 15, 1937; Wimbledon, August 18, 1937.
 Ohio: South Webster, December 28, 1937; Warren, January 8, 1938.
 Oklahoma: Mutual, June 24, 1937; Paden, December 17, 1937; Stratford, July 28, 1937.
 Oregon: Freewater, February 18, 1938; North Bend, June 29, 1937.

Pennsylvania: Andalusia, October 1, 1937; Avella, June 18, 1937; Beaver Meadows, July 22, 1937; Devon, December 30, 1937; Driftwood, July 21, 1937; Fairbank, August 18, 1937; Fredericksburg, June 3, 1937; Glassport, January 27, 1938; Glenside, July 14, 1937; Ivyland, September 21, 1937; Kersey, February 12, 1938; Laureldale, June 2, 1937; Ligonier, January 28, 1938; Ludlow, December 1, 1937; McVeytown, June 5, 1937; Mauch Chunk, August 12, 1937; Mill Hall, July 12, 1937; Nemacolin, February 15, 1938; New Galilee, June 24, 1937; Pine Grove, August 3, 1937; Quincy, September 21, 1937; Seward, September 28, 1937; Shillington, January 22, 1938; Silver Creek, July 26, 1937; Skytop, July 28, 1937; Tower City, July 22, 1937.
 Puerto Rico: No cases.
 Rhode Island: Greystone, June 26, 1937.
 South Carolina: Chester, August 10, 1937; Ridgeway, July 19, 1937.
 South Dakota: Artesian, January 22, 1938; Ashton, July 29, 1937; Bristol, July 31, 1937; Jefferson, October 21, 1937; Letcher, December 17, 1937.
 Tennessee: Benton, August 9, 1937; Cedar Hill, July 15, 1937; Lawrenceburg, August 17, 1937; Millington, June 8, 1937; Waverly, July 23, 1937.
 Texas: Bay City, January 25, 1938; Call, September 21, 1937; Cross Plains, June 25, 1937; Elsa, July 21, 1937; High Island, September 23, 1937; Malakoff, June 25, 1937; Palestine, January 18, 1938; Rosenberg, May 4, 1937; Schulenburg, June 14, 1937; Zavalla, August 10, 1937.
 Utah: Blanding, May 26, 1937; Escalante, January 31, 1938; Richfield, January 24, 1938.
 Vermont: No cases.
 Virginia: Portsmouth, October 23, 1937.
 Washington: Silverdale, July 20, 1937.
 West Virginia: East Rainelle, June 5, 1937; Elizabeth, August 11, 1937; Fort Gay, July 19, 1937; Omar, February 15, 1938; Piedmont, July 29, 1937; Wayne, January 21, 1938.
 Wisconsin: Baileys Harbor, July 3, 1937; Black Creek, June 3, 1937; Brantwood, June 30, 1937; Minocqua, July 29, 1937; Randolph, July 15, 1937; Reedsville, December 11, 1937; Roberts, October 1, 1937; Sussex, July 9, 1937; Wauzeka, June 25, 1937.
 Wyoming: No cases.

(Source: The CONGRESSIONAL RECORD volumes and indexes, which were consulted through March 21, 1938.)

General note: The above list comprises 235 post offices where no nominations have been made to Senate on basis of certifications given by Civil Service Commission to Postmaster General under Executive order of July 20, 1936. It is pointed out that delay in some of these cases, those where certifications have been made in 1938, may be perfectly proper.

EXHIBIT B

1. Requests by Postmaster General to Civil Service Commission for review of Commission's original certifications

"* * * From time to time, however, the Department (Post Office Department) has returned some of the certificates with a request for further consideration * * *." (From letter by H. B. Mitchell, president, U. S. Civil Service Commission, to Representative ROBERT L. BACON, February 28, 1938.)

2. Justification for such requests

In about 50 percent of the instances where requests for review were directed to the Civil Service Commission by the Postmaster General the certificates were returned to the Commission with the simple request "that the papers be reviewed." In the other 50 percent of the instances the request for review stated some reason why it was desired.

(Source: Informal information secured from Civil Service Commission on request of Representative ROBERT L. BACON, March 1938.)

3. List of post offices where reviews of Civil Service Commission certifications were asked by Postmaster General, and statement of disposition of such requests by Civil Service Commission

	Date certification returned by Postmaster General	Date recertified by Civil Service Commission	Disposition of review request
Alabama:			
Deatsville.....	Feb. 11, 1938	Not yet recertified.....	
Irondale.....	Aug. 13, 1937	do.....	
Florida: Sneads.....	Apr. 19, 1937	June 30, 1937.....	Same name recertified.
Illinois:			
Brimfield.....	June 29, 1937	July 10, 1937.....	Do.
Delavan.....	Oct. 1, 1937	Nov. 6, 1937.....	Do.
Hollywood.....	Jan. 11, 1938	Not yet recertified.....	
Indiana: North Liberty.....	Dec. 6, 1937	Dec. 17, 1937.....	Do.
Iowa:			
Defiance.....	do.....	Jan. 5, 1938.....	Do.
Elk Horn.....	July 1, 1937	Not yet recertified.....	
Kansas: Spearville.....	June 30, 1937	Aug. 7, 1937.....	Do.
Kentucky: Slaughters.....	Jan. 27, 1938	Mar. 9, 1938.....	Do.

3. List of post offices where reviews of Civil Service Commission certifications were asked by Postmaster General, and statement of disposition of such requests by Civil Service Commission—Con.

	Date certification returned by Postmaster General	Date recertified by Civil Service Commission	Disposition of review request
Louisiana:			
Clarks.....	Jan. 22, 1938	Feb. 15, 1938.....	Same name recertified.
Grayson.....	Feb. 26, 1938	Mar. 15, 1938.....	Do.
Jeanerette.....	Aug. 6, 1937	Aug. 24, 1937.....	Do.
Logansport.....	Dec. 30, 1937	Mar. 9, 1938.....	Do.
Sicily Island.....	Dec. 11, 1937	Feb. 1, 1938.....	Do.
Michigan: North Branch.....	Feb. 15, 1938	Not yet recertified.....	
Mississippi: Bolton.....	June 9, 1937	July 3, 1937.....	Do.
Montana: Boulder.....	July 19, 1937	Feb. 7, 1938.....	Original certificate changed.
New Hampshire: North Rochester.....	Feb. 17, 1938	Not yet recertified.....	
New Jersey: Sea-side Heights.....	July 16, 1937	do.....	
New York:			
Narrowsburg.....	July 21, 1937	do.....	
Philmont.....	Feb. 18, 1938	do.....	
Stony Brook.....	July 3, 1937	Dec. 17, 1937.....	Same name recertified.
Syoset.....	July 23, 1937	Dec. 14, 1937.....	Do.
North Carolina:			
Flat Rock.....	Aug. 6, 1937	Mar. 15, 1938.....	Do.
Longhurst.....	June 18, 1937	July 10, 1937.....	Do.
North Dakota:			
Max.....	July 3, 1937	Not yet recertified.....	
Sherwood.....	Aug. 3, 1937	Sept. 27, 1937.....	Do.
Wimbleton.....	Nov. 24, 1937	Feb. 1, 1938.....	Do.
Ohio: Warren.....	Jan. 13, 1938	Feb. 26, 1938.....	Do.
Pennsylvania:			
Devon.....	Jan. 18, 1938	Not yet recertified.....	
Ludlow.....	Jan. 27, 1938	do.....	
Manch Chunk.....	Aug. 23, 1937	do.....	
New Galilee.....	July 7, 1937	do.....	
Tennessee: Hixson.....	Jan. 22, 1938	Feb. 5, 1938.....	Do.
Texas:			
Malakoff.....	Nov. 27, 1937	Not yet recertified.....	
Palestine.....	Jan. 22, 1938	do.....	
Washington:			
Longview.....	Nov. 17, 1937	Feb. 1, 1938.....	Original certificate changed.
West Virginia:			
East Rainelle.....	June 9, 1937	Mar. 15, 1938.....	Same name recertified.
Omar.....	Mar. 1, 1938	Not yet recertified.....	
Wisconsin:			
Brantwood.....	July 29, 1937	do.....	
Minoqua.....	Aug. 12, 1937	Aug. 26, 1937.....	Do.
Randolph.....	Aug. 9, 1937	Not yet recertified.....	
Reedsville.....	Feb. 24, 1938	do.....	

Source: Letter from U. S. Civil Service Commission, to Representative R. L. BACON, Mar. 16, 1938, and by informal inquiry as to disposition of review requests.

EXHIBIT C

1. Normal lapse of time in making nominations to Senate in cases where action on certifications by Civil Service Commission were not held up by President or Postmaster General

NEW YORK STATE, AS AVERAGE EXAMPLE

Office	Date of certification	Date of nomination	Number of days elapsed
Berkshire.....	June 12, 1937	July 10, 1937	28
Blauvelt.....	May 26, 1937	June 10, 1937	14
Bridgeton.....	Apr. 27, 1937	May 17, 1937	20
Castle Point.....	June 9, 1937	July 22, 1937	43
Chadwick.....	May 25, 1937	June 10, 1937	15
Chestertown.....	July 9, 1937	July 23, 1937	14
East Moriches.....	June 4, 1937	July 10, 1937	36
Eastview.....	Nov. 18, 1937	Dec. 20, 1937	32
Fultonville.....	June 25, 1937	July 22, 1937	27
Greene.....	June 10, 1937	July 23, 1937	43
Huntington.....	Dec. 11, 1937	Feb. 11, 1938	60
Kauneonga Lake.....	Apr. 27, 1937	May 17, 1937	20
Keene Valley.....	Aug. 13, 1937	Aug. 19, 1937	6
Minoa.....	June 26, 1937	July 22, 1937	26
Montrose.....	June 8, 1937	July 10, 1937	32
Moravia.....	Apr. 6, 1937	May 17, 1937	41
Morrisville.....	Jan. 24, 1938	Feb. 11, 1938	17
New Lebanon.....	July 12, 1937	Aug. 10, 1937	28
Niagara University.....	Jan. 24, 1938	Feb. 11, 1938	17
Paleville.....	June 16, 1937	July 22, 1937	36
Paul Smiths.....	July 9, 1937	July 23, 1937	14
Plandome.....	July 28, 1937	Aug. 10, 1937	12
Port Byron.....	June 11, 1937	July 10, 1937	29
Pottersville.....	June 16, 1937	do.....	24
West Winfield.....	June 12, 1937	do.....	28

Normal lapse of time equals 27 days.

NOTE.—From this list 4 offices are excluded—(a) 3 where certifications were made during adjournment of Congress and (b) 1 where elapsed time between certification and nomination, for special reasons, was 5 times normal elapsed time.

2. Length of time certifications of first eligibles are being held up by President or Postmaster General where such first eligibles are seemingly not satisfactory to President or Postmaster General, and where no nominations have been made to Senate through Mar. 16, 1938

NEW YORK STATE, AS AVERAGE EXAMPLE

Office	Date of certification	Number of days cases held up on which Congress was in session
Chautauqua.....	Jan. 3, 1938	73
Cold Water.....	Jan. 6, 1938	70
Firthcliffe.....	June 30, 1937	160
Horseheads.....	Jan. 4, 1938	72
Nedrow.....	June 24, 1937	166
New Hamburg.....	June 7, 1937	183
Rose.....	Sept. 18, 1937	109
West Albany.....	June 12, 1937	178
Syoset:		
Original certification.....	July 8, 1937	
Recertification.....	Dec. 14, 1937	152
Stony Brook:		
Original certification.....	June 4, 1937	
Recertification.....	Dec. 17, 1937	186
East Quogue.....	June 5, 1937	185
Long Island City.....	Aug. 12, 1937	118
Southampton.....	June 18, 1937	172
Wantagh.....	July 14, 1937	146

Length of time cases held up by President or Postmaster General where highest eligible seemingly not satisfactory equals 140 days.

NOTE.—Length of time computed entirely on basis when nominations could have been sent to Senate. Days Congress not in session not included.

GENERAL NOTE.—The material in this exhibit is furnished simply to afford any one interested the facts in support of my statements.—R. L. B.

Seventy-fifth Congress in session: First, Jan. 5, 1937, to Aug. 21, 1937; second, Nov. 15, 1937, to Dec. 21, 1937; third, Jan. 3, 1938 to —.

EXHIBIT D

EXECUTIVE ORDER NO. 7421

Procedure relating to the appointment of first-, second-, and third-class postmasters

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes (U. S. C., title 5, sec. 631), by the act of July 12, 1876 (U. S. C., title 39, sec. 31), and as President of the United States, it is hereby ordered that whenever a vacancy occurs in the position of postmaster in any office of the first, second, or third class as the result of (1) death, (2) resignation, (3) removal, or (4) expiration of term, the following procedure shall be observed, in accordance with the provision of the Civil Service Act of January 16, 1883 (22 Stat. 403), and the rules and regulations made pursuant to the said act, insofar as such provisions may be applicable:

SEC. 1 (a) The Postmaster General may recommend to the President the appointment of the incumbent, or the appointment by promotion of a classified employee in the Postal Service in the vacancy office, provided either such incumbent or such classified employee is found eligible by the Civil Service Commission by noncompetitive examination; or

(b) Upon request of the Postmaster General, the Civil Service Commission shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy and shall certify the results thereof to the Postmaster General, who shall thereupon submit to the President for appointment to fill the vacancy the name of the highest eligible unless it is established to the satisfaction of the Civil Service Commission that the character or residence of such eligible disqualifies him for appointment. This procedure shall be followed in all examinations announced by the Civil Service Commission subsequent to the date of this order.

SEC. 2. No person may be admitted to the examinations provided for in section 1 hereof unless he has been a bona fide patron of the office for which a postmaster is to be appointed for at least 1 year immediately preceding the time fixed for the close of receipts of applications.

SEC. 3. No person who has passed his sixty-seventh birthday shall be appointed acting postmaster in any office of the first, second, or third class unless he is already in the Postal Service, nor shall any such person, except as provided in section 4 hereof, be admitted to any examination which may be held for any such office under the provisions of section 1.

SEC. 4. In all examinations held under the provisions of section 1 hereof, the age limit prescribed in section 3 shall be waived as to candidates who are entitled to military preference as a result of service in the World War, the Spanish-American War, or the Philippine Insurrection, and in rating the examination papers of such candidates the Civil Service Commission shall add five points to their earned ratings and make certification to the Postmaster General in accordance with their relative positions thus acquired. The time such candidates were in the service during such wars

may be reckoned by the Commission in making up the required length of business experience.

SEC. 5. This order supersedes all prior Executive orders affecting or relating to the appointment of postmasters to post offices of the first, second, and third classes.

JULY 20, 1936.

FRANKLIN D. ROOSEVELT.

NOTE.—Under this Executive order, the Postmaster General has no option but to submit to the President, for appointment, the name of the highest eligible certified by the Civil Service Commission. The words, "who shall thereupon submit to the President," above italicized, are directory and permit of no arbitrary delay. And they certainly are a complete bar to requests addressed to the Civil Service Commission for review of papers except for grave reasons.

R. L. B.

EXHIBIT E

EXECUTIVE ORDER OF JULY 12, 1933

When a vacancy exists or occurs in the position of postmaster at an office of the first, second, or third class, the Postmaster General may submit to the President for renomination the name of the postmaster whose term has expired or is about to expire, or the name of some qualified person within the competitive classified civil service. If no such person is nominated, the Postmaster General shall certify the fact to the Civil Service Commission which shall forthwith hold an open competitive examination to test the fitness of applicants *not in either of the above-mentioned classes to fill such vacancy.* When such examination has been held and the papers submitted therewith have been rated the Commission shall furnish a certificate of not less than three eligibles, if the same can be obtained, to the Postmaster General, who shall submit to the President the name of one of the highest three for appointment to fill such vacancy: *Provided, That the Postmaster General may reject the name of any person or persons so certified if he shall find that such person or persons is disqualified, in which event the said Commission shall upon request of the Postmaster General complete the certificate of three names: Provided, That no person who has passed his sixty-sixth birthday at the date for close of receipt of applications for such examination shall be permitted to take the same: And provided further, That no person shall be examined for postmaster who has not actually resided within the delivery of the office for which application is made for 1 year next preceding such date: And provided further, That at the expiration of the term of any postmaster, or anticipating such expiration, or upon the death, resignation, or removal of any postmaster, the Postmaster General may, in his discretion, request the Civil Service Commission to hold an examination.*

If, pursuant to this order, it is desired to submit to the President for nomination the name of a person in the competitive classified service, such person must first be found by the Civil Service Commission to possess the requisite qualifications.

No person who has passed his sixty-sixth birthday shall be appointed acting postmaster in an office of the first, second, or third class unless he is already in the Postal Service.

The Civil Service Commission, in rating the examination papers of candidates who are veterans of the World War, Spanish-American War, or the Philippine Insurrection, shall add to their earned ratings five points and make certification to the Postmaster General in accordance with their relative positions thus acquired.

The time such candidates were in the service during such wars may be reckoned by the Commission in making up the required length of business experience. As to such candidates, all age limitations shall be waived.

This order shall supersede all previous Executive orders affecting the appointment of postmasters to post offices of the first, second, and third classes.

NOTE.—The proviso italicized above in the second sentence, "not in either of the above-mentioned classes to fill such vacancy," had the effect directly, because of its measured terms, to prescribe every person in the competitive classified Postal Service, as well as incumbent postmasters, from taking the competitive examinations. Every assistant postmaster, every superintendent of mails, every financial clerk, and every clerk and carrier was proscribed. And this Executive order made it impossible for any incumbent Republican postmaster to compete in the examination.

Wherever a classified Postal Service employee or an incumbent postmaster made application to take the examination the Civil Service Commission had to inform them that the Executive order made them ineligible as applicants.

R. L. B.

EXHIBIT F

PROCEDURE IN MAKING PERSONAL INVESTIGATIONS INCIDENT TO DETERMINING QUALIFICATIONS OF APPLICANTS

"In response to an informal inquiry made by your secretary, it may be stated that personal investigations are, as previously indicated, made by a representative of the Commission and a post-office inspector. In such investigations each applicant is interviewed at length and a full and comprehensive statement is secured from him relative to his education, business experience, civic activities, and any other elements which may have a bearing on his qualifications and suitability for the position of postmaster.

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In addition to the interview with the applicant, a number of his personal references are interviewed, as well as business and professional men and women, representatives of labor organizations, members of women's clubs, etc. A very conscientious effort is made to obtain a good cross section of opinion among the patrons of the office regarding all candidates. Each person interviewed is requested to give the Commission the benefit of his or her opinion concerning the qualifications and suitability of each applicant, with sole reference to merit and fitness for the position.

"Personal investigations are made in connection with all offices where the compensation is \$2,400 per year or more. Because of the number of cases involved, we have not been able to extend this practice to offices of the third class, that is, those paying less than \$2,400 per year, unless, because of complications, it is found impracticable to obtain the necessary information by correspondence. Personal investigations are, however, highly desirable in all cases and would be made if the Commission were in a position to do so. For third-class offices a written examination is given, in addition to ratings on business training, experience, and fitness; while for offices of the first and second classes the ratings are based solely on education and business experience and fitness, the latter subject having a relative weight of 80 in the 100.

"The Commission has made every effort with its limited facilities to hold examinations for postmasters and certify the results to the Department promptly. This is equally true with respect to the recertification of those cases returned by the Department with request for further consideration."—From letter of Harry B. Mitchell, President, United States Civil Service Commission, to Representative ROBERT L. BACON, March 16, 1938.

NOTE.—The above gives the procedure in the personal investigations. The reports submitted to the Civil Service Commission are joint reports (by the civil-service examiner and the postal inspector) and the papers are then rated by the examiners and the reviewers. About five people in the Civil Service Commission check and recheck the papers before the Commission transmits the certifications to the Postmaster General.

As proof of the care with which the Commission operates, it is noteworthy that in 23 completed cases where reviews of papers were asked by the Postmaster General the Civil Service Commission recertified the original certificates in 21 cases, and in only 2 cases were amendments of the original certificates made. (See exhibit B.)

R. L. B.

EXHIBIT G

FIRST AND SECOND CLASS

Form 2213, December 1936

United States Civil Service Examination POSTMASTER

Applications must be properly executed and filed with the United States Civil Service Commission at Washington, D. C., prior to the hour of closing business on the date specified above.

The following is a list of post offices at which there are vacancies in the position of postmaster, with the salary of each position:

At the request of the Postmaster General the United States Civil Service Commission announces an open competitive examination from which it is expected to fill a vacancy in the position of postmaster at each of the offices named above. This is not an examination under the Civil Service Act and rules, but is held under an Executive order issued July 20, 1936, which provides as follows:

"* * * whenever a vacancy occurs in the position of postmaster in any office of the first, second, or third class as the result of (1) death, (2) resignation, (3) removal, or (4) expiration of term, the following procedure shall be observed, in accordance with the provisions of the Civil Service Act of January 16, 1883 (22 Stat. 403), and the rules and regulations made pursuant to the said act, insofar as such provisions may be applicable:

"SEC. 1. (a) The Postmaster General may recommend to the President the appointment of the incumbent, or the appointment by promotion of a classified employee in the Postal Service in the vacancy office, provided either such incumbent or such classified employee is found eligible by the Civil Service Commission by noncompetitive examination; or

"(b) Upon request of the Postmaster General, the Civil Service Commission shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy and shall certify the results thereof to the Postmaster General, who shall thereupon submit to the President for appointment to fill the vacancy the name of the highest eligible unless it is established to the satisfaction of the Civil Service Commission that the character or residence of such eligible disqualifies him for appointment. This procedure shall be followed in all examinations announced by the Civil Service Commission subsequent to the date of this order.

"SEC. 2. No person may be admitted to the examinations provided for in section 1 hereof unless he has been a bona fide patron of the office for which a postmaster is to be appointed, for at least 1 year immediately preceding the time fixed for the close of receipt of applications.

"Sec. 3. No person who has passed his sixty-seventh birthday shall be appointed acting postmaster in any office of the first, second, or third class unless he is already in the Postal Service, nor shall any such person, except as provided in section 4 hereof, be admitted to any examination which may be held for any such office under the provisions of section 1.

"Sec. 4. In all examinations held under the provisions of section 1 hereof, the age limit prescribed in section 3 shall be waived as to candidates who are entitled to military preference as a result of service in the World War, the Spanish-American War, or the Philippine Insurrection, and in rating the examination papers of such candidates the Civil Service Commission shall add five points to their earned ratings and make certification to the Postmaster General in accordance with their relative positions thus acquired. The time such candidates were in the service during such wars may be reckoned by the Commission in making up the required length of business experience.

"Sec. 5. This order supersedes all prior Executive orders affecting or relating to the appointment of postmaster to post offices of the first, second, and third classes.

Veteran preference: Five points are added to the earned ratings of each of the following classes of persons entitled to veteran preference:

(1) Honorably discharged veterans of the wars mentioned in the Executive order quoted in this announcement.

(2) Widows of such honorably discharged veterans.

(3) Wives of such honorably discharged veterans who themselves are physically disqualified for this examination by reason of service-connected disability.

(4) Wives of such honorably discharged veterans who themselves are over 55 years of age and because of disability, whether service-connected or not, are by law entitled to pension.

Persons claiming preference should obtain Form 14, fill it out, and submit it with their applications. Preference will not be granted unless the necessary proof mentioned in Form 14 is furnished.

Subjects and weights: Applicants will not be required to report for examination at any place but will be rated on the following subjects, which will have the relative weights indicated:

Subjects	Weights
1. Education and training.....	20
2. Business experience and fitness.....	80
Total.....	100

Method of rating: The rating on the education and training of the applicant will be determined on the basis of information (subject to corroboration) furnished in the application, in which the applicant is required to show the names and locations of all schools attended, whether of elementary, collegiate, or professional grade; the dates of attendance; and whether or not the applicant was graduated in each case from a prescribed course of study.

The rating of an applicant on business experience and fitness will be determined on the basis of his statement of experience in his application and of other evidence—confirmatory, supplementary, or corrective—secured through a careful investigation by the Civil Service Commission.

The careful supplementary investigation of each applicant by the Civil Service Commission has two aspects: First, full inquiry as to the suitability and fitness of the applicant as shown by his character and personal characteristics; and, second, careful inquiry, of persons best qualified to know, as to his ability, business qualifications, and experience and success in business or employment and in meeting and dealing with the public.

Applicants must possess the following qualifications:

1. They must be citizens of the United States.

2. Must be patrons of office: They must have been bona fide patrons of the post office for which application is made for at least 1 year immediately preceding the date for the close of receipt of applications.

3. Experience: For offices paying more than \$2,300, up to and including \$4,000 a year, the applicant must show that for at least 3 years he has been engaged in occupations in which he has demonstrated ability to conduct the affairs of a business to the extent required of a postmaster of the post office for which he is an applicant.

For offices paying more than \$4,000, up to and including \$6,000 a year, the applicant must show that for at least 5 years he has been engaged in occupations in which he has demonstrated ability to organize, to direct, and to manage business affairs to the extent required of a postmaster of the post office for which he is an applicant.

For offices paying more than \$6,000 a year, the applicant must show that for at least 7 years he has been engaged in occupations in which he has demonstrated ability to organize, to direct, and to manage business affairs to the extent required of a postmaster of the post office for which he is an applicant.

For all offices, it must be shown in all cases that the applicant has demonstrated ability to meet and deal with the public satisfactorily.

STATEMENTS AS TO EDUCATION, TRAINING, AND EXPERIENCE ARE ACCEPTED SUBJECT TO VERIFICATION

4. Age: On the date for the close of receipt of applications, applicants for the position of postmaster at an office of the first class

must have reached their thirtieth birthday, and for the position of postmaster at an office of the second class, their twenty-third birthday. Those who have passed their sixty-seventh birthday on the date for the close of receipt of applications are not eligible to compete for any office. These age limits are waived in the case of persons granted preference because of military or naval service.

5. They must be in good physical condition.

Photographs: Each applicant must submit with his application a small unmounted photograph of himself, taken within 2 years, with his name written thereon. Proofs or group photographs will not be accepted. Photographs will not be returned to applicants.

Applications: Persons who meet the requirements and wish to enter this examination should apply at once for application form 10 and supplementary form 3220, stating the name of the office for which these forms are to be filed, to the United States Civil Service Commission, Washington, D. C., or at the post office in the city where the vacancy exists. Applications must be properly executed and filed with the Commission at Washington not later than the hour of closing business on the date specified at the head of this announcement.

Persons who will not be appointed: The Post Office Department will not appoint to the position of postmaster a person concerned in a contract for carrying the mails, either as contractor, subcontractor, or surety, or any member of the immediate family of such a person, or the husband or wife of a rural carrier.

Hours of service: The Postal Laws and Regulations provide that postmasters at offices of the first, second, and third classes shall devote a minimum of 8 hours daily (except Saturdays) during the business part of the day to their duties as postmasters.

Warning: All persons are warned against offering, promising, paying, soliciting, or receiving any money or other valuable thing, as a political contribution or otherwise, for use of influence, support, or promise of support, in obtaining appointment. Any such act is a violation of law, and offenders will be prosecuted.

EXHIBIT H

THIRD CLASS

Form 2223-a Sept. 1937

Executive order of July 20, 1936:

"Procedure relating to the appointment of first-, second-, and third-class postmasters

"By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes (U. S. C., title 5, sec. 631), by the act of July 12, 1876 (U. S. C., title 39, sec. 31), and as President of the United States, it is hereby ordered that whenever a vacancy occurs in the position of postmaster in any office of the first, second, or third class as the results of (1) death, (2) resignation, (3) removal, or (4) expiration of term, the following procedure shall be observed, in accordance with the provisions of the Civil Service Act of January 16, 1883 (22 Stat. 403), and the rules and regulations made pursuant to the said act, insofar as such provisions may be applicable.

"Sec. 1. (a) The Postmaster General may recommend to the President the appointment of the incumbent, or the appointment by promotion of a classified employee in the Postal Service in the vacancy office, provided either such incumbent or such classified employee is found eligible by the Civil Service Commission by non-competitive examination; or

"(b) Upon request of the Postmaster General, the Civil Service Commission shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy and shall certify the results thereof to the Postmaster General, who shall thereupon submit to the President for appointment to fill the vacancy the name of the highest eligible unless it is established to the satisfaction of the Civil Service Commission that the character or residence of such eligible disqualifies him for appointment. This procedure shall be followed in all examinations announced by the Civil Service Commission subsequent to the date of this order.

"Sec. 2. No person may be admitted to the examinations provided for in section 1 hereof unless he has been a bona fide patron of the office for which a postmaster is to be appointed for at least 1 year immediately preceding the time fixed for the close of receipt of applications.

"Sec. 3. No person who has passed his sixty-seventh birthday shall be appointed acting postmaster in any office of the first, second, or third class unless he is already in the Postal Service, nor shall any such person, except as provided in section 4 hereof, be admitted to any examination which may be held for any such office under the provisions of section 1.

"Sec. 4. In all examinations held under the provisions of section 1 hereof, the age limit prescribed in section 3 shall be waived as to candidates who are entitled to military preference as a result of service in the World War, the Spanish-American War, or the Philippine Insurrection; and in rating the examination papers of such candidates the Civil Service Commission shall add five points to their earned ratings and make certification to the Postmaster General in accordance with their relative positions thus acquired. The time such candidates were in the service during such wars may be reckoned by the Commission in making up the required length of business experience.

"Sec. 5. This order supersedes all prior Executive orders affecting or relating to the appointment of postmasters to post offices of the first, second, and third classes.

Preference

In allowing preference as provided by the order quoted above, the following procedure is observed:

Five points are added to the earned ratings of each of the following classes of persons entitled to preference:

(1) Honorably discharged veterans of the wars mentioned in the above order;

(2) Widows of such honorably discharged veterans.

(3) Wives of such honorably discharged veterans who themselves are physically disqualified for this examination by reason of service-connected disability; and

(4) Wives of such honorably discharged veterans who themselves are over 55 years of age and because of disability, whether service-connected or not, are by law entitled to pension.

Persons claiming preference should obtain Form 14, fill it out, and submit it with their applications. Preference will not be granted unless the necessary proof mentioned in Form 14 is furnished.

Examinations for offices of the third class

Candidates for offices having annual compensation from \$1,100 to \$2,300, inclusive, will be assembled for a written examination and will be examined in the following subjects, which will have the relative weights indicated:

Subjects	Weights
1. Post-office accounts and computation (this test includes a simple statement of a postmaster's monthly money-order account in a prepared form, furnished the candidate in the examination, and a problem involving arithmetical computations)	3
2. Penmanship (a test of ability to write legibly, rated on the specimen shown in the subject of letter writing)	1
3. Letter writing (this subject is intended to test the candidate's ability to express himself intelligently in a business letter on a practical subject)	1
4. Business training, experience, and fitness (under this subject, full and careful consideration is given to the candidate's business training and experience; also to all matters relating to character, health, and personality, which have a material bearing on his or her suitability to serve the public as postmaster. The rating is based upon the candidate's sworn statements of his personal history, as verified after inquiry by the Commission. It must be clearly shown that the candidate has demonstrated ability in meeting and dealing satisfactorily with the public)	5
Total	10

Specimen questions for offices of the third class

The following tests, which have been used, indicate the general character of the examination given for offices having annual compensation from \$1,100 to \$2,300:

First subject—Post-office accounts and computation: 1. In a form provided by the examiner, the candidate will make computations from the items furnished, entering in the proper blank space the increase or decrease for each item and the total increase and decrease, together with the net increase or decrease for all items. The following group of items has been used:

Form 1. List of money orders issued				Form 2. Third class postmaster's quarterly account			
From.....to.....193..							
Date issued, 193..	Amount		Fee	Receipts		Payments	
	Dollars	Cents	Cents	Dollars	Cents	Dollars	Cents
				Money orders issued (total as shown by list)		General Accounting Office differences due postmaster	
				Fees on money orders issued (total as shown by list)		Special-delivery fees	
				Second-class postage		Salary of postmaster	
				Permit matter postage		Post-office clerks	
				Sales, waste paper, twine, etc.		Rent, light, and fuel	
				Box-rent collections		Deposits—surplus funds	
				General Accounting Office differences due United States			
				Cash from central accounting postmaster			
Total				Total receipts		Total payments	

Second subject—penmanship: The rating on penmanship will be determined by the legibility and general appearance of the handwriting of the candidate as shown by the letter written by candidate under the third subject. No particular style of penmanship is preferred.

Third subject—letter writing: The candidate is permitted to write on either of two subjects given, both of which will deal with matters of a practical nature. The purpose of this exercise is to test the ability of the candidate to express himself intelligently in a business letter and is not a test of his academic knowledge of the subject.

Fourth subject—business training, experience, and fitness: This subject is rated on the candidate's statements and corroborative evidence. Statements as to training and experience are subject to verification. All information will be treated as confidential. Candidates will be required to give full and detailed information concerning their education, training, and business experience on blanks furnished.

States	Cost in 1915	Cost in 1916
Alabama	\$1,285,164	\$1,294,830
Arkansas	617,625	665,226
Georgia	2,049,083	1,976,067
Iowa	2,008,629	2,707,686
Kentucky	950,229	971,253
Louisiana	292,716	314,118
Maryland	510,912	487,602
Massachusetts	367,110	332,847
Michigan	2,377,233	2,184,525
Minnesota	2,020,383	1,948,815
Mississippi	1,021,266	1,052,604
New Hampshire	285,075	289,233
New Jersey	370,557	366,426
North Dakota	684,846	709,173
Oklahoma	1,434,789	1,345,504
Tennessee	1,926,324	1,919,160
Texas	2,464,299	2,425,806
Virginia	1,255,799	1,279,467
Washington	398,439	408,555
West Virginia	477,999	472,086

2. During the quarter ending March 31, 1937, the postmaster at Wellsford, S. C., issued the following money orders: January 2, \$16.20; January 14, \$87.03; January 18, \$35.19; January 27, \$9.36; February 5, \$76.41; February 19, \$2.43; February 24, \$4.05; March 3, \$56.52; March 16, \$19.26; March 25, \$89.10.

The following is a summary of his other cash-book transactions for the quarter: Paid special delivery fees, \$2.37; collected box rent, \$38.60; received for second-class postage, \$15.56; paid rent, light, and fuel bill for the quarter, \$187.05; sold waste paper and twine, 32 cents; received \$75 in cash from the Central Accounting Postmaster; paid his own salary for the quarter, \$313.63; was notified by the General Accounting Office that \$1.98 is due the postmaster by reason of error in previous statement. The amount of surplus funds necessary to balance the account was remitted for deposit.

In Form No. 1 below, list and total the money orders issued and the corresponding fees. Then from the totals found on Form No. 1 and the summary given above prepare Form No. 2, determine the amount of surplus funds remitted for deposit and close the account, writing all work in ink.

Schedule of fees over and above the amount of the order which the postmaster must collect from the public for the Government on issue of money orders:

For orders from \$0.01 to \$2.50	6 cents
For orders from \$2.51 to \$5	8 cents
For orders from \$5.01 to \$10	11 cents
For orders from \$10.01 to \$20	13 cents
For orders from \$20.01 to \$40	15 cents
For orders from \$40.01 to \$60	18 cents
For orders from \$60.01 to \$80	20 cents
For orders from \$80.01 to \$100	22 cents

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. ALLEN].

Mr. ALLEN of Pennsylvania. Mr. Chairman, for 16 weeks, counting the special session, the Seventy-fifth Congress has been debating various types of legislation, but not yet have we given time or effort to the major problem which confronts this Nation, unemployment. We have passed an agricultural bill of debatable merit, we have passed several appropriation bills and a number of minor bills. Last week we spent considerable time on a bill authorizing a supernavy. For 2 weeks the other body of this Congress has been considering a reorganization bill which has absolutely nothing to do with the major problem which confronts us; a bill which contains certain provisions that in my opinion are undemocratic and

contradictory of the principles on which this Nation was founded. Unemployment, the major problem which confronts this Nation, has not been discussed to any great extent. We have not tackled the problem in a direct, forceful, or constructive manner, and each day we sit here without attacking that problem it becomes steadily worse in geometric progression.

We have been either unwilling or afraid to face the issue in its practical reality. We have vegetated here, if you please, in helpless apathy while the ranks of the unemployed have swelled from some 6,000,000 last fall to 13,000,000 today. The only attempt we have made to alleviate this condition was when we passed a deficiency appropriation bill several weeks ago of \$250,000,000 which is absolutely inadequate so far as the number of unemployed are concerned. It will not to any great extent alleviate their suffering; and, what is more, it is not a long-range answer to the problem of unemployment. For 5 years we have been plastering ointment on an open sore to keep it from running; we have been applying salve to an ugly wound to hide it from view; but not yet have we probed directly to the roots of this unemployment problem; not yet have we attacked those fundamental fallacies in our system which in a land of plenty and abundance cause starvation and distress.

Mr. BRADLEY. I would ask the gentleman what he would suggest as a possible remedy for the unemployment problem.

Mr. ALLEN of Pennsylvania. I hope to touch upon that if the time permits, but I would like to lead up to it in an orderly way.

Appropriations for unemployment are absolutely necessary at this time. We will all agree that society owes to every able-bodied and willing person the opportunity to earn his or her own living. Society owes to itself the benefits which come from productive labor. It is an astounding truth that during the past 8 years we in America are poorer by \$133,000,000,000 because of unemployment and idleness. Pump priming is O. K. and satisfactory in times of emergency; but, Mr. Chairman, we cannot go on indefinitely in this emergency state of mind; we cannot preserve this democracy of ours by merely reenacting emergency legislation. We have got to assume a long-range viewpoint, and we have got to formulate long-range policies, if we are really going to do our duty to the people who send us here to represent them. The time has come to stop pump priming and to repair the pump.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. BATES. Has not the time also come when we have got to stop the tremendous volume of imports that is coming into this country and preserve our own market for our own industrial workers?

Mr. ALLEN of Pennsylvania. I feel that imports at this time of materials which we can make in America profitably are absolutely uncalled for. [Applause.] Where we have natural aptitudes and natural resources, unused plant capacity and idle labor, we should concentrate on our own markets and not on importing materials made by cheap labor in competition with our own.

We have been referred to on frequent occasions as a "do-nothing" Congress. On the contrary, we have done a great deal during this session of Congress on matters which are absolutely necessary; but, in my opinion, we should conclude routine legislation as quickly as possible and then remain here in Washington until we have tackled and solved this major problem of unemployment. In my opinion, we have no right to go home until we have done so. [Applause.] There are three groups in America which can solve this problem if we can bring them together in a spirit of harmony and mutual self-sacrifice. I refer to Government, to labor, and to industry. These three forces pulling together can solve this problem in short order. It is not an insurmountable problem.

We all agree it is a man-made condition. By the same token we must likewise agree that by man it can be corrected.

Where is there a more adequate body on the face of the earth than the Congress of the United States to solve this problem which is the result of greed, selfishness, and blindness on the part of a relatively few people?

Frequent conferences have been held in Washington during recent weeks between the executives in the Government service, businessmen, and labor chiefs. These conferences have undoubtedly done some good, although I question how much value has actually come of them for the reason that a conference, to be effective, must give birth to a definite plan of action. It does not do a bit of good to sit down for a few hours each day and confer, then do nothing about it.

Mr. Chairman, the time has come when these groups I have just mentioned—the Government, business, and labor—must hold additional conferences in Washington; but they must remain in conference until they have conceived and formulated a definite plan of action which will drag us out of the depression and start us well on the road to prosperity. For 5 years now, or a little longer, we have financed unemployment at great cost. As far as I am concerned I shall continue to vote for appropriations to take care of our unemployed; but, Mr. Chairman, that is not the long-range answer to this problem.

None of us want to see the unemployed suffer. But we must realize that by merely reenacting certain types of emergency legislation we will continue to do that until our Federal Treasury is exhausted. The real answer to the problem is to restore these people to jobs in private industry.

Mr. FLETCHER. Will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield to the gentleman from Ohio.

Mr. FLETCHER. Has the gentleman any formula or plan of his own to suggest?

Mr. ALLEN of Pennsylvania. I have an idea. What would be wrong with calling business leaders and labor leaders to Washington and presenting this proposition?

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ALLEN of Pennsylvania. Mr. Chairman, we could have the Government support business to the full extent of the National Treasury if business would agree to employ men as rapidly as possible, agree to take back a certain number each month, and agree, in return for this Federal aid, to reduce prices as production increased, and further, not to cut wages but increase wages as production increased. In other words, to set in reverse what business did last year when we were enjoying relative prosperity.

We all know that in times of great business activity production costs go down. That is the time to reduce selling prices and increase wages. If the people of our country are going to buy back the very things which they produce, it is absolutely necessary to keep the real income of the American people two jumps ahead of the cost of living. When the cost of living is two jumps ahead of the income of our people, then we are bound to have a depression. If the Government, business, and labor can agree that in return for Federal aid, as production increases and as these men are put back to work, prices come down, and wages increase, I would be definitely in favor of financing employment for a change instead of repeatedly financing unemployment.

Mr. McGRANERY. Will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. McGRANERY. Is not the gentleman somewhat convinced that the present recession has been brought about as the result of a sit-down strike on the part of big business?

Mr. ALLEN of Pennsylvania. I cannot agree that big business would commit intentional suicide. I believe they have unwittingly done so by advancing prices to such an extent last year that people could not buy back the very goods which they made, because of inadequate incomes in the face of excessively high prices. I repeat that this Congress will be delinquent in its duty if it adjourns without

taking action to ameliorate the plight of the unemployed people in America. [Applause.]

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield the gentleman from Oklahoma [Mr. SMITH] 30 minutes.

Mr. SHORT. Mr. Chairman, we have had several interesting and important discussions on various topics this afternoon, and as much as I dislike to do so, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. THOMASON of Texas). The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

Mr. POWERS. Mr. Chairman, I also yield the gentleman from Oklahoma [Mr. SMITH] 20 minutes.

Mr. SMITH of Oklahoma. Mr. Chairman, I asked for time to speak today in reference to a bill known as the General Welfare Act, now pending in the House. This bill presents to the Congress, in my judgment, one of the most important legislative proposals that has ever come on the calendar. I believe the House has turned thumbs down on the bill up to date, not because they understand it and oppose its terms and provisions, but because of the fact an organization built around an individual has made that individual personally so obnoxious and so offensive to the Representatives of the American people that his very name and sponsorship precludes a fair hearing for H. R. 4199.

I will seek in the time allotted to me to paint a picture of the organization known as the Townsend organization. I intend to do it in some little detail for the purpose of the RECORD, having been so requested by many of my colleagues who desired to have someone who knows the facts at first hand put those facts in the RECORD so that they could be sent out to combat the insidious propaganda which is being used by this organization against Members of Congress who will be up for reelection very soon.

In the first place, so that you may understand what opportunity I have had for knowing this subject, I recall to your mind that I was the national vice president of the Townsend plan.

During the heyday of that movement, when there were thousands of clubs and millions of members in America, I was here in Washington in the headquarters at the Southern Building. I had some little part in outlining the plan that made that organization big. I, in company with every other man who ever attempted to do anything in this old-age pension movement, was in due time booted out because I would not submit to the personal domination of the doctor and because I was not one of those who believed an American citizen ought to take an oath of allegiance to any particular man.

In the first place, when this organization started on the west coast there was no Townsend plan, there was just an idea. Those who talk about a Townsend plan now must, if they stick to the facts, realize there is no such thing as a Townsend plan, that this old-age pension program which has been sponsored in the Nation not only by the Townsend organization but by many other old-age pension groups is nothing more or less than a collection of ideas from men all over the country who have given some thought and consideration to the question of old-age security.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. I cannot yield as I go through this discussion. If the gentleman from Missouri will permit, I would like to conclude my remarks.

Mr. BELL. I wanted to ask a question, but I will bring it up later.

Mr. MOTT. May I ask the gentleman what he means by concluding his remarks before he yields?

Mr. SMITH of Oklahoma. My statement. I will save enough time to answer questions when I have finished my statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOTT. The gentleman yielded to me for the purpose of asking this question.

The CHAIRMAN. The Chair did not so understand. The gentleman has declined to yield at this time.

Mr. SMITH of Oklahoma. I wonder how many Members of this Congress know that in the Townsend organization the membership is required to take an oath of allegiance not to a plan but to a man? I wonder how many Members who have been interested in H. R. 4199, and 140 Members of this body who have now signed on the line to support H. R. 4199, have had the recent experience—some Members of the House have had within the last day or two—of finding lobbyists from the west coast coming into their offices in Washington and saying to them, Members of Congress, that they are traitors, they are betrayers of principle, and they are not loyal? This is the charge that is made against every Member of the House who is not willing to take the Townsend plan just as it is proposed and written by the organization itself. They are unwilling to have the House consider the legislation upon whatever merit it may have. They are unwilling to take suggestions for amendments. They just want to drive it through, and everybody who does not follow along and take the medicine as it is doled out by the Townsend Weekly is labeled a traitor to the cause. This is just one thing you ought to have in mind.

The next thing you ought to keep in mind as we come into the concluding days of this session is the fact that the Townsend organization less than 2 years ago was looked upon as a major Fascist threat in this country of ours. Notwithstanding this, while they pledged allegiance to the flag and opened their meetings with prayers and published this paper dedicated to the old-age pension program and supposedly to democracy, for the pages of that paper they accepted advertising for the Communist Party of Russia. In that paper they carried statements in which rewards of free trips to Soviet Russia were promised to the men or women who could organize the largest unit of the Communist Party in the United States of America, and particularly in the State of California.

No wonder the American people finally wrathfully cast from their minds any thought of taking the doctor and his plan to their bosoms. Just as long as Dr. Townsend and his name are synonymous with an old-age pension program in America, just so long the old folks will have to wait for more progressive legislation, not only because his name is a handicap but, in my judgment, for the very reason that the Townsend organization, now builded as a commercial enterprise selling newspapers and collecting public funds for private people, is builded around a corps of men who have jobs. They are making lots of money out of the old people of America, pretending to sponsor and further an old-age pension program. These men do not want to lose their jobs.

I want the folks in the State of Oklahoma and wherever else this message may go to understand that as an advocate of national old-age pensions I have been and am loyal to a plan to give adequate old-age pensions to the American people. I know the 140 men who signed this letter to the Committee on Ways and Means asking for a hearing are loyal to a plan, but they are not going to swallow any pledge of allegiance to any particular man or any particular organization. [Applause.]

To begin with, I want to take you back to the Cleveland convention. In the first place, when the Townsend organization came into existence it was organized as a nonpartisan body. Republicans, Democrats, Socialists, and what have you were invited to membership. All of them were advised of the fact the organization would be nonpartisan and nonpolitical and would interest itself in one thing, to wit, spreading information and education with reference to an old-age pension program. This was the idea behind the movement. When the movement grew and it became time for the plan to be considered in Congress, my good friend, the gentleman from California [Mr. McGROARTY] introduced the bill. The very next time he came up for election, lo and behold, because he evidently did not take the pledge of allegiance to Dr. Townsend, he, the gentleman from Oregon [Mr. MORT] and many others who had helped in this movement found this organization headed by the good doctor was in the field actively opposing them and supporting some other candidates.

Mr. MOTT. Now, Mr. Chairman, I hope the gentleman will yield. Will the gentleman yield for me to correct his statement?

The CHAIRMAN (Mr. THOMASON of Texas). Does the gentleman from Oklahoma yield to the gentleman from Oregon?

Mr. SMITH of Oklahoma. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOTT. Mr. Chairman, I want the RECORD to show the fact that the gentleman declined to yield.

Mr. SMITH of Oklahoma. If I be in error, Mr. MOTT, as to your particular district, I am not in error as to many other districts.

Mr. MOTT. A point of order, Mr. Chairman. I think I have a right to a little protection. The gentleman used my name and made a statement which I offered to correct. He refused to yield for me to ask a question and now he continues to talk about the same subject, bringing in my name. I do not think he is in order as long as he continues to do that.

The CHAIRMAN. What is the point of order the gentleman raises?

Mr. MOTT. That the gentleman is out of order in his speech by using the name of a Member of the House and declining to yield.

The CHAIRMAN. The gentleman from Oklahoma will proceed in order.

Mr. SMITH of Oklahoma. Notwithstanding the organization's pledge of nonpartisanship, it very shortly became a very partisan organization, and it became a partisan organization over the objection of Mr. Clements and myself, for the reason that the membership at that time so completely idolized Dr. Townsend that there was no room for reason, no room for thought, no room for logic, just a driving, following through of a sentimental attachment to a man whom they looked upon as being very little lower than the Savior. As a matter of fact, we find in all of these meetings George Washington's picture put beside Dr. Townsend, and on the other side we find Abraham Lincoln's picture, and I have wondered how long in the evolutionary development of this Messiah-like complex, it is going to take them before they add the picture of the Savior of mankind and put His picture along with the doctor's.

It has come to the point where they are deifying the man and nobody can control those groups except by letting them have the bitter truth, and it is bitter.

We came to the convention at Cleveland where 18,000 delegates were assembled. I was there, Mr. SHEPPARD, of California, was there, Mr. MARTIN SMITH, and many Members of this House who are here now and some who fell by the wayside, were at that convention. When we went to the convention both major parties had held their conventions and nominated their candidates for President of the United States.

Our good leader, the doctor, flew from Baltimore to California and started petitions for the organization of what he called the Townsend party and had people in the field signing petitions to put his name on the ballot as a candidate for President of the United States. I went to California, and before I left there the board of directors were so insistent that he withdraw from that course, or we were all going to quit, that before I left there I had a statement signed by Dr. Townsend, the original of which I still possess, which was released to the press, in which he reiterated a stand of nonpartisanship, and promised the people of America interested in old-age pensions that the organization would not participate in any partisan campaign and that the Republicans and the Democrats were at liberty to follow their own party inclinations.

That statement was released to the press. We came to the Cleveland convention and, lo and behold, when we got there what did we find? We found that in the meantime Dr. Townsend had been taken up on a high mountain. He found himself in company with Gerald L. K. Smith, of Louisiana, and with the Rev. Father Coughlin, the radio priest, and

that blessed trinity organized what they called the Union Party, and undertook in the Cleveland convention by resolution to turn this old-age pension movement into a third-party movement. Some of you were there. That is where I was booted out. Just for the sake of the RECORD, and for the purpose of reminding gentlemen of the history of that convention, it will be remembered that on one occasion this preacher from Louisiana, Dr. Townsend, and Father Coughlin came down the aisle, with moving pictures being taken, the radio priest on one arm of Dr. Townsend, and a Ku Klux preacher on the other—advancing with beaming smiles, shedding the radiance of a halo. Thus that holy trio came down the aisle to sell the old people of America down the river in a political trade-out. However, they did not get by with it, because there were a few—not just Democrats, but also Republicans—who were there who had the nerve to take the floor and present a resolution condemning the third-party movement. My colleague from California and myself and several others presented a resolution condemning the third-party movement, and demanding that we be continued as a nonpartisan organization.

Then an attempt was made to stampede the convention. Gerald Smith got up and waved his Bible up and down, berated and abused the President in profane language, and when he got through the radio priest took the floor and in the course of an impassioned speech of an hour and a half, in which he undressed himself, divesting himself of all of his clerical garments, and exposed himself naked from the waist up except for an undershirt; he also berated the President. When he had finished his tirade I took the floor and talked to that crowd in favor of our resolution. The radio priest called the President of the United States a liar and a betrayer, and I need not insert in the RECORD what I called him; and when we concluded that meeting that day that great convention went on record and turned down the doctor, turned down Father Coughlin, turned down Gerald Smith, and passed our resolution condemning the third-party movement and declaring the organization to be nonpartisan. But did the doctor go along? Not at all. He continued on his way, and we found then that we had developed another very strange association. For instance, we found that somebody was evidently putting up some money. Where it came from no one knew, and no one that I know now knows, but we met with this strange circumstance. A man named George Mainz, who had been the hiring of William Randolph Hearst for years and was the head of the Hearst Universal Service in Washington, appeared on the scene. He was the personal publicity agent for Dr. Townsend and the personal publicity agent for the League for Social Justice and Father Coughlin, and the personal publicity agent for Smith, of Louisiana, and the so-called share-the-wealth crowd. He was the whole show in publicity and expenditure—not for just these men individually but for the whole third-party movement. I do not know what the gentlemen here may think about the political integrity of William Randolph Hearst, but so far as I am personally concerned, whenever I see one of his tracks anywhere in a political movement I begin to be suspicious of the good faith of that movement.

Well, we got through with that about that time, and an investigation was started. There began to be talk about an investigation. I was one of the few chumps who spent my money in furtherance of this program on the theory that it was a good thing for the old people of America. There were many others in the organization who did not take anything out but put everything in. We were told at those conventions that nobody was getting over \$50 a week, only later to find out that it was \$1,250 a week, and that not alone were there the salaries, but the money went to pay for expensive apartments, occupied in Washington, and the rent checks and the maid and the laundry, and, also, if one of them wanted a new suit of clothes it was all paid out of the fund of the old-age pension organization. That is when this House started the movement for an investigation, and when that movement started, just about that time I left Baltimore, where the

headquarters were, having been called home. Before I left they called a meeting of the board of directors over there, and I want to get this into the Record straight, for this reason. The main strength of Dr. Townsend today in America lies in the fact that he is able to pose as a martyr, just a poor old man who wants to go to jail for the old folks of America. This movement started when Dr. Townsend himself was without a job. He had had a position as a physician for some little municipality in California as a health officer. He was out of a job, was broke, and he started this as a sandwich movement and from the day it was started down to this good hour, growing in intensity, gaining wealth and power and strength, taking the money and keeping it—not using it, and the millions of dollars collected from the old folks of America has not been used for the program but has been used to promote the interest of just a few people. They kept the money.

Dr. Townsend, from the day this movement started down to now, has never made a sacrifice, a personal sacrifice of any kind, to this movement. It has all been to his benefit; there has been nothing that would impose upon him any discomfort. But in the event he will have to go to jail, he said he could write in jail. I think it would be a very foolish thing for this body to let him go to jail. I do not think this martyr complex should be developed any further; I do not think it should be permitted.

Here is the point: Did you know that this business of making a martyr out of Dr. Townsend was planned in advance before this House ever voted an investigation? I say to you that before this House voted to hold that investigation, in a board of directors' meeting at Baltimore, Dr. Townsend, Earl Clements, the Reverend Mr. Wright, of Cleveland, Clinton Wonder, Jack Keefer, myself, Warton Downing, Gilmore Young, and Baxter Rankin sat. Dr. Wright, pastor of a big church in Cleveland, was a director. He, I, and four other members voted "no," that we would not have anything to do with that. We were voted down. They sat there, nevertheless, and planned exactly what they were going to do, that they were going to stage a rebellion, that it would be a great thing if Congress would fall into the trap, it would be a splendid thing if they voted an investigating fund and called the doctor down here so that in the midst of the hearing he could rise up in righteous indignation and walk out and show what a brave, fearless leader the old folks had. [Laughter.]

I say to you that word should go to the American people, if they could be made to know, that the man was not a martyr but that he is merely now, if he does go to jail, the victim of his own scheme and of his own planning.

How many Members in this House are having trouble in their districts? Many of you are because the people do not know the facts, they cannot get the facts. Just the other day over here in Pittsburgh, Pa., a tremendous crowd was called together. They were addressed by a man by the name of Dr. J. F. Robb, who prints on his card that he is an economist and a lecturer. In a speech just a few days ago he told that crowd of people at Pittsburgh: "Why," he said, "we have 199 Members of Congress now who are rallying to Dr. Townsend. We need only 18 or 19 more and we will pass your bill and we will get your \$200 a month." That kind of fraud was not stopped by your congressional investigation; it is being more brazenly operated now than it was even before, because before the investigation there were some men in the organization on the board of directors who tried to keep the thing in line. Now there is not a soul, it is a one-man show.

About this \$200 a month—that is the thing that has driven everybody off of this bill. You begin to talk about the Townsend plan, I do not care whether it is in Washington or in Podunk, walk up to a man, whether he be the proprietor of a big business or just an ordinary farmer and talk to him about the Townsend plan and he will scratch his head and say: "Oh! That's that \$200-a-month bunch." He will look you over as much as to say: "My goodness! This fellow looks like he might have some sense; what is the matter with him?"

Do you know—and you cannot get it over to the newspapers, apparently—do you know that there never was a bill introduced in this House providing for a \$200-a-month pension? The bill introduced by the gentleman from California [Mr. McGROARTY], the original bill, merely contained a provision for a prorated pension which should not in any event exceed \$200 a month. None of the rest of the bill ever had anything different than that. Two hundred dollars a month is not the plan.

The responsible leaders of the Townsend organization never authorized or sanctioned the talk about a \$200-a-month pension. There are many members of the House present today who were in the first national convention of the Townsend movement at Chicago and who came again to the second convention at Cleveland, and all of them have this knowledge in common with every delegate who was present. In both of these conventions in my speeches, I stressed the danger inherent in the \$200-a-month program and insisted that the old people be told the truth about the program.

The people who were interested in the plan discussed the facts and told the truth. The promoters and racketeers who were interested only in making money out of the movement are the people who are directly responsible for the "\$200 a month or nothing" propaganda.

Even Dr. Townsend, just a few months ago, in a statement to a congressional committee, admitted that the \$200-a-month proposal was preposterous. He stated to the congressional committee, and I quote his exact language, "The \$200 proposal is like a wisp of straw on a stick tied to the head of a cow. The cow will chase the wisp of straw and never get it."

The foregoing statement proves conclusively that the Townsend organization never had in mind an insistence upon a \$200 pension and establishes the fact that the doctor, in the beginning, understood the plan and knew that it provided merely for a pay-as-you-go pension program to be prorated among those eligible to receive it, out of whatever sum was collected from the tax program provided in the bill. The pension racketeers now fear that Congress may pass the General Welfare Act. They know that the enactment of the bill would destroy the lucrative employment of those pension leaders who are now engaged in the business of making their living out of the old and the poor in America.

The racketeers are not interested in the old folks. They are not interested in pensions. They are not interested in any reasonable or rational program. They are interested in one thing alone, that is keeping their jobs and they, therefore, set out to stir up strife, dissension, and conflict to the end that all progressive legislation on old-age pensions be blocked or, at least, indefinitely postponed.

It is my firm conviction that the many old-age pension organizations in America, who are engaged in the business of supporting these parasites, are doing more harm to the pension movement than are all their active enemies.

I know the old folks are honest. I know they want the program enacted, and so do I. It is with this in mind that I assert that I am for the old folks and that I have, and will continue to, oppose the racketeers. If the old-age pension groups of America can really get the facts, they will at once understand that they have been and are being led by a bunch of wolves in sheep's clothing.

Once they have the facts and know the truth, they will refuse to follow this false leadership and will rally by the general-welfare program to the end that a reasonable, rational, federalized old-age pension law be enacted in America.

What I want to get to now is that we have a general-welfare bill pending in this House of which the gentleman from Pennsylvania [Mr. CROSBY] is the author. On the 3d of January a steering committee of 40 Members of Congress was organized in favor of that bill. This steering committee sent out a notice asking all the different pension organizations in the United States to send representatives here to

try to iron out their differences into a common plan, to try to get together on a reasonable program. In the course of that conference we increased the membership of the steering committee in the House to 70 Members and we were very happy when our good friend, the gentleman from California [Mr. McGROARTY] joined us. We agreed to withdraw his bill. The gentleman from Wisconsin offered some amendments. In that conference we agreed in the first place to cut out "not to exceed \$200 a month" so that neither \$200 a month nor any other amount is in the bill at all. We decided to cut out the forced-spending feature because some Members thought it was unconstitutional. We provided for the elimination of the transactions tax and tentatively substituted a gross-income tax. When we had concluded our work we were successful finally and ultimately in getting 140 Members of this House to sign letters asking the Ways and Means Committee to give us a hearing.

This work was done by the General Welfare Committee. It was done by the Members of this House who believe in the general-welfare program, and I hope that those of us who have given time, study, and thought to this program will not have to go home at the adjournment of this session of the Congress and say to our people that 140 of our Members could not even get a hearing. I may say to the Members of the House that if we can get a hearing on the General Welfare Act, the committee will find we are not going to say, "You have to take our bill or leave it." You will find an attitude of trying to reason the thing out with you and willing and ready to accept any sensible amendment that may be offered by the committee or which may arise through the taking of testimony. Should not those of us at least be able to go home, Republicans and Democrats alike, and say to our people that we have presented a program so reasonable that the Ways and Means Committee wants to give us a hearing?

Some of the Members of the House think we have an old-age pension law in this country now, but we have not. We have a division in the Social Security Act known as the old-age assistance division. Many Members of the House in discussing the matter with me since I have been here have expressed surprise when I tell them that the old-age assistance provision is not a pension in any sense of the word. It is a pauper's payment. That is what it is. It is operated in such a way that it is right now about to become a major national scandal.

Back in the old days those of us interested in the great national sport were very fond of the scientific development which gave baseball its triple play. Those of us who remember that famous trio will remember that we always said, "Tinker to Evers to Chance." I say to you that this social security set-up we have here in Washington now, if permitted to continue much longer in the course they are pursuing, will absolutely destroy the Democratic administration. Those young immature bureaucrats in that department have developed the science of the triple play on patronage far beyond the accomplishments of "Tinker to Evers to Chance." It is no longer "Tinker to Evers to Chance." It is Altmeyer to Aaronson to Resnick.

We who believe in this general-welfare program feel that we ought to have a completely federalized old-age pension system taken out of politics entirely. [Applause.] When we consider the structure of the present law it is a shameful thing to see how it has been handled, particularly in view of the fact that law which was given to us under the leadership of Mr. Roosevelt and was the first progressive step forward we had made so far as old-age security in this country is concerned. I want all of you to know I pay tribute to him, to his efforts and to his leadership, and I have reason to believe that the President's fondest hope is that he will ultimately be remembered for his program sponsored and put over for the benefit of the lame, the blind, and the aged. I think it is near to his heart, and I think he wants it to work.

Those of us who are Members of Congress and who have information and know what is wrong are derelict in our duty

to our party and to our President if we keep our mouths shut until the day this breaks as a national scandal in the face of the administration. We ought to do something now. If you examine the situation, can you not understand that the men and women of America are paying the taxes now? We are paying enough in tax money now to pay a substantial old-age pension, if the old people could get it. It would be a real saving to the taxpayers if we would put on a federalized pension program.

Why do I make that statement? For the very simple reason that under the set-up as now organized we have at the head of the list one great Federal bureau housed here in Washington and Baltimore. Subservient to that we have 48 State laws and 48 State bureaus. The State bureaus, operating with Federal aid, are required to operate in accordance with rules and regulations made here in Washington by the Social Security Board. This gives you 49 bureaus to start with. Then you have 3,070 county assistant boards, one for every county in America and then multiply that by the thousands of case workers and visitors, mostly young ladies from the colleges and seminaries in the northeastern part of this country, who know nothing about raising a family nor attending to a household except what they have learned in school. I do not know how the people of your district take it, but these highly educated young ladies do not get along so well with the mothers and fathers of my district down in Oklahoma.

We have in the State of Oklahoma at least five special types of taxes, all going into a fund to make up the State portion, which, matched by the Federal allotment, gives us our old-age pension set-up. It was surprisingly developed over here in a hearing the other day that in our State we have some 72,000 on the rolls now drawing from \$1.50 a month to \$15 a month. A lot of them get \$1.50 in the way of an old-age pension under the Social Security Act. Six dollars is about the usual amount. A few of them, if they have some good friends or know the members of the county assistance board, may get \$15. A few get \$30. Of that 72,000 who are drawing money, at least one-third and probably one-half of them were not eligible to get any money at all. Why are they on that roll? They are on that roll because just as surely as you build a gigantic political machine with 48 bureaus and 3,000 subservient organizations, it will develop into nothing more nor less than a political racket, and this is true whether it be in charge of Republicans or Democrats. It does not make any difference. The fellows down home will put their kinfolks on the pay roll. Why? Is Oklahoma the only State that has had trouble that way? Not on your life.

A very able man, Mr. Hughes, who was head of the accounting department over in the Social Security Board, lost his job. Why? Because he found irregularities in the State of Illinois, irregularities that demanded and called for criminal prosecution. He said he was going to seek some indictments. Lo and behold, some of the bureaucrats strangled him and demoted him. He is out now. Was anybody indicted in Illinois or prosecuted for stealing the State and Federal money? Not on your life. It is a game, a splendid game. Take the people's money, deprive the old folks of America of the hope they have for an adequate and secure old age, and give the money to politicians.

Over in Ohio one of the leaders of the old-age pension group, one of the men charged with the official existence of the Board, stated to the press recently they had 17,000 chiselers on the roll in the State of Ohio. I would like to see the rolls of Pennsylvania and maybe even Arkansas. I do not think it is any one State, I think it is just the same everywhere. We are all just alike under the skin. One State is no worse or no better than the rest. I mention this merely to show that this present system of ours cannot do the job. Would it not be better for us to take the old-age assistance angle out of the social-security set-up? Would it not be better for us to have a completely federalized old-age pension system without any bureaus at all? Somebody always wants to know how you can do that. I will tell you

what this plan is we 140 Members of the House are advocating. It is simply this. We are asking the Government of the United States to set up in the Treasury Department of the United States a great mutual cooperative insurance company to insure the American people against old-age insolvency, to let them buy an annuity, or make them buy it. Well, some may say, "Is not that socialism? Is it constitutional? How can it be done?" It has been done. We have a short memory.

During the war, under the leadership of President Wilson, this Congress created a great annuity corporation in the Treasury called the War Risk Insurance Department. From the highest general down to the lowest buck private in the Army or Navy we did not ask him if he wanted an insurance policy; the Government said, "You are going to take it. You have it. We will take it out of your pay." We put that money in there and earmarked the fund and credited the war-risk insurance fund, which is nothing on earth but an annuity program on a mutual basis.

Some of the insurance men in those days said, "If you do that it will put the insurance companies out of business. The insurance companies will not like it." Up to that time the average insurance policy sold in America was about \$1,000, but when the United States Government put a standard value on the doughboy's life of \$10,000 the insurance business began to boom and has grown by leaps and bounds in this country since then. This program will not hurt the insurance companies; it will help the insurance companies. We just set up that fund over there and say that when an American citizen pays his taxes, whether the transactions tax or the gross-income tax, or some other tax, we shall say, "Whatever that tax is, Mr. Citizen, when you pay it you are paying your insurance premium for an old-age annuity program, just as you would buy a policy from the Lincoln Life & Accident or some other big insurance company now engaged in the business of selling annuity insurance." Then some fellow may say, "Well, would not that be competing with them?" No; it would not be competing with them; it will be the greatest thing on earth for them. It will make America annuity conscious.

Those of us who have professions, whether we be lawyers or doctors or politicians, those of us who are used to the better things of life and have more income than ordinary folks, would we ever be satisfied with that annuity out of that mutual? Not on your life. If we had an income, we would walk over and we would say, "Well, when we get ready to retire we have this annuity that they made us buy, but let us go over here to some good company now and spend some of our money and buy some more, so when we get to the retirement age we can retire and live in accordance with the standards of life we are used to." It would be a great thing for those people.

How would you go about it? What would you require? It would require nothing except that a man be 60 or 65, whichever age the Congress wants to put on it. I am in favor of making it 60. So we have a registration, and we put you on the pension roll as an industrial veteran and treat you on exactly the same basis we now treat our war veterans. I do not know any reason on earth why a man who works in the mine or the foundry or the oil field and contributes 35 or 40 years of productive labor and gives its life to the building up of the wealth and property of this country of ours should not be considered as a veteran of industry when he is old and broken down and retired, and receive a pension upon the same basis as a man who serves his country in time of war.

You may say, "How would you get them registered?" Just have a field day and register them. It would not cost anything at all to speak of. You would not need any big bureaus.

Some may say that would be a big job. It will not be such a big job. Do you not remember when Congress passed the Selective Service Act at the beginning of the war, and when that Selective Service Act was passed it was decided that all the male citizens of the United States be registered and

classified? Do you not remember that the President issued a proclamation and called upon the lawyers of this country to organize their legal-advisory boards? Do you not remember that without any compensation or any cost to the Government at all, in the short period of about 4 days, without a hired hand or a bit of paid help, we registered and classified for military service every man of eligible military age in the whole United States of America? I say to you that if in that day we had energy and patriotism enough to use that method to register and classify the youth of America to die, then after the lapse of 20 years, with that experience before us, we ought to have energy and patriotism enough to do the same thing, and register all the old folks of America for a proper pension, so they may live in this country of ours and not die, as many of them are doing now, from pure want.

This kind of program will satisfy the people of America. I do not know what kind of old-age pension your people may want, but our State voted a \$30-a-month pension. They cannot get it down there the way things are today. Of course, they would like to have more, but I am telling you that the old folks in my country, if they could get a \$30-a-month pension from the Federal Government, knowing it was safe and sure and secure, would be mighty happy with that \$30 pension, and they are not talking or advocating a \$200-a-month pension.

Now, this Congress is going to have to carry the responsibility for the political life of many of its Members who have worked honestly and in good faith for this old-age pension program and are now being crucified by the paid organizers of the Townsend organization.

The Townsend organization has abandoned any Congressional action. They are now engaged in the business of promoting a constitutional amendment, and to show you just how anxious they are to get along with it, the Ohio State Legislature memorialized Congress and asked it to pass the bill—H. R. 4199. Then the good gentleman, the doctor, starts out for the constitutional amendment and he gets thousands of petitions signed over in the State of Ohio and he waits until Monday noon on the day when the Senate of the State is to adjourn sine die, and on that day at noon takes his petitions up and presents them to the Governor of the State asking for a constitutional amendment. These evidences of bad faith can mean but one thing.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, would the gentleman desire some more time?

Mr. SMITH of Oklahoma. Will the gentleman yield me 5 minutes, please?

Mr. POWERS. Mr. Chairman, I yield the gentleman 10 minutes.

Mr. SMITH of Oklahoma. Mr. Chairman, I have nothing more to say except this: Apparently I offended my colleague the gentleman from Oregon [Mr. MOTT], and I want to yield to him. I assure you, Mr. MOTT, I had no intention of offending you.

Mr. MOTT. I am quite sure the gentleman had no such intention, and if he had yielded he could have answered the question quite easily. Since that point, however, the gentleman has made other statements which I would like briefly to refer to, and when I have the floor I promise the gentleman I shall yield to him. I am going to ask for 10 minutes at the conclusion of the gentleman's remarks.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. Yes.

Mr. BELL. In reference to the meeting of the board of directors of the Townsend organization which was held at Baltimore, as I recall it, about a week or 10 days before Dr. Townsend was subpoenaed to testify, as I understand the gentleman's statement, at that meeting it was planned for him to walk off the stand if and when he was subpoenaed and claim as a reason for walking off that he was being persecuted; is that right?

Mr. SMITH of Oklahoma. That is absolutely correct.

Mr. BELL. The gentleman was present at that meeting and heard that discussion?

Mr. SMITH of Oklahoma. Yes; and I have given you the names of the other directors who were present also.

Mr. BELL. Another question in regard to the original organization of the Townsend movement. Is it not a fact that it was organized as a Fascist movement, and that a written oath of allegiance to Dr. Townsend was presented to every leader in the movement—presidents of clubs, secretaries of clubs, organizers, requiring them to sign an oath of allegiance, not to the United States of America, but to Dr. Francis Townsend.

Mr. SMITH of Oklahoma. I could not answer that question "yes" or "no." I do not believe that anybody had in mind the organization of a Fascist group. I do not think that was in the mind of anybody in the organization. It certainly was not in the mind of any of the men I know who served on the board of directors. Neither do I know of any oath of allegiance being required of individuals but in their meetings they pledged allegiance to the flag as a body, those who were present, and they pledged allegiance to the Townsend movement, but that ritual has been changed in many clubs until today they pledge allegiance to Dr. Townsend personally. But some sort of an oath of allegiance was required after we had our big disturbance in Cleveland. Up until that time nothing was said about such an oath to any of the directors or the club leaders, but after that disturbance it became apparent that a man in order to stay in the organization would have to swear allegiance to Dr. Townsend.

Mr. BELL. During the course of the movement, one of the old leaders who had associated with Dr. Townsend at that time made a statement that in the earlier stages of the movement there had been a personal oath of allegiance signed by the people I mentioned, and he handed me a carbon of what he said was the oath they were required to sign, but the gentleman was not in the movement in those earlier stages?

Mr. SMITH of Oklahoma. No.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. Yes.

Mr. HARLAN. Is it the gentleman's conception that the present old-age relief be completely eliminated and this substituted for it? Is that right?

Mr. SMITH of Oklahoma. Yes. I am not in favor of repealing the present plan until something be put in its place.

Mr. HARLAN. Then the gentleman would substitute a total income or tax on everyone in the United States to create a fund which is to be prorated?

Mr. SMITH of Oklahoma. That is right.

Mr. HARLAN. From the gentleman's investigation of this, what amount per capita of those over 60 years of age would this net, per month?

Mr. SMITH of Oklahoma. That would be nothing less than a wild guess. I do not pretend to be an economist. I have heard various opinions expressed by men who claim to be economists, and I think that they run it up as high as \$68 or \$70 a month.

Mr. HARLAN. What tax would be imposed?

Mr. SMITH of Oklahoma. Two percent on the gross income.

Mr. HARLAN. To be distributed without regard to need?

Mr. SMITH of Oklahoma. That is right, upon the theory that it is an annuity already paid for by the citizens. The fellow who pays the most is equally entitled to it along with the fellow who pays the least. In other words, if John D. Rockefeller wants to take an old-age pension at the age of 60, he has bought and paid for it, and we should let him have it.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. Yes.

Mr. DOUGHTON. Suppose he was 65 years of age and that the law was enacted when he was 64 and he has paid only 1 year and did not need the money at the time. Does the gentleman say that he has bought and paid for an annuity for the remainder of his life?

Mr. SMITH of Oklahoma. He would be paying for it as long as he lived. It is a pay-as-you-go, for this reason, that the plan provides merely for the paying out month by month of what is actually collected that month.

Mr. DOUGHTON. The gentleman said that was bought and paid for. Suppose he made only one payment before he became a beneficiary and then lived 10 or 15 years, but drew \$60 a month. How would he have paid for it?

Mr. SMITH of Oklahoma. Whether he made one payment is not important in my view at all. If he is 65 years of age, and he has been a citizen living and working and producing in this country, I take the position that he has bought and paid for it by his productive life, and that he has a stake in everything of any value in this Nation, which entitles him to that consideration.

Mr. DOUGHTON. He has bought and paid for something he doesn't need, and if he takes it, then the person who does need it will get materially less.

Mr. SMITH of Oklahoma. Nobody would get materially less. If we had a very few people taking it, and it was prorated, the average would be higher. Every man who gets on the roll naturally decreases the total amount ultimately paid to the whole number, but if he takes it when he gets to the retirement age, he must retire from all productive labor, from all work or competition in business, and it is our theory that that kind of a program will take the old folks out of jobs, and there are 4,000,000 people now 65 years old who are holding productive jobs in America, and when they give up those jobs we can put the younger people in the jobs.

That is one way to get rid of this unemployment.

Mr. DOUGHTON. I want the gentleman to understand that the motive behind my questions was to understand the intent and purpose of the plan outlined by the gentleman and how it would work in actual practice and administration. I did not ask them to provoke a controversy.

Mr. SMITH of Oklahoma. I understood that.

Mr. HENDRICKS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield.

Mr. HENDRICKS. The gentleman from Missouri asked the gentleman from Oklahoma a number of questions that would tend to reflect that the clubs were organized for the purpose of fascism. I happen to be a member of a Townsend club. I have never been required to take an oath of allegiance to Dr. Townsend. Is it not true that usually every meeting is opened with the oath of allegiance to the American flag?

Mr. SMITH of Oklahoma. That has been true and is still true.

Mr. HENDRICKS. If the gentleman will permit me to make one brief statement, I may say that in my position as chairman of the legislative committee which is endeavoring to get a hearing for this bill, I feel it incumbent upon me to say to the Members of the House and to the 20,000 people in my district who are interested in the progress being made on this bill, that I take sharp issue with some of the things the gentleman from Oklahoma has said, and shall ask for time within a few days to make reply thereto.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield.

Mr. McSWEENEY. I happen to have been director of welfare under Governor White when the old-age pension law in Ohio was put into operation. Based on my experience in that connection, it would have been cheaper to pay the pension to all people over 65 than to investigate to determine whether the individuals needed the pension, whether they had money in the deposit box, property, and things of that kind. As a matter of economy, if any such plan is put into operation, it would be cheaper to pay the pension to all over a certain age than to investigate as to whether they are in need of it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. He has consumed 1 hour.

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, when the gentleman from Florida [Mr. HENDRICKS] stated to the gentleman from Oklahoma, Mr. GOMER SMITH, who just addressed the House, that he intended to reply to that gentleman within the next few days, his statement seemed to elicit considerable amusement among some of those on the Democratic side of the aisle. I did not see anything amusing or unusual about that statement. The gentleman from Oklahoma has talked for 50 minutes and has made some rather amazing statements. I think his speech ought to be replied to at some length and in some detail. The gentleman from Florida, who is a Democrat, endeavored during that speech to secure time for an immediate reply from those in charge of the time on his own side, and it was refused him. I thereupon asked for time on my side, and it was granted. I shall therefore reply now to the gentleman from Oklahoma.

The gentleman from Oklahoma until recently was vice president of the national Townsend organization. I do not know just when he resigned, or, as he expressed it, "fired", but it is common knowledge that until that time he was a leading figure of the Townsend national organization and of the Townsend movement. He was a leader in it during the heyday of its career, and as such a leader he is, of course, very likely in possession of facts concerning which the general membership of the House, including myself, knows nothing.

I am rather intrigued by some of the things he said, and I am going to study his speech when it is printed and check his statements for the purpose of ascertaining their correctness or incorrectness, and then possibly I may answer his whole speech. I want to take the time now allotted to me, however, very briefly to reply to two or three remarks he made in his lengthy address which I happen to know of my own knowledge are not correct.

At the outset let me make this clear. As to what the gentleman said about H. R. 4199—the General Welfare Act—I heartily agree. I am as much in favor of that bill as he is. That is merely a further and a perfected revision of the revised McGroarty bill, H. R. 7154, of the Seventy-fourth Congress, with the drafting of which, as the gentleman from Oklahoma knows, I had considerable to do. The gentleman is also aware that in the debate on the motion to substitute the revised McGroarty bill for the old-age provision of the administration's utterly inadequate social-security bill, I made a speech in support of the revised McGroarty bill which has been as widely publicized, perhaps, as any statement upon the same subject that has been made on the floor of the House.

The first objection I make to the gentleman's remarks is that they were unnecessarily partisan, and I think that he did a great deal of damage to the prospect of obtaining favorable consideration of H. R. 4199 when he brought in the partisan angle. I shall return to that point a little later.

I want it understood at the outset, also, that I hold no brief for Dr. Townsend. If Dr. Townsend in his long effort to create sentiment in America for a decent old-age pension has done anything wrong I am just as much opposed to that as is the gentleman from Oklahoma. And no doubt some things Dr. Townsend has done are subject to criticism; but I cannot agree that all of the things the gentleman from Oklahoma said about Dr. Townsend are correct. I know they are not because I attended all of the hearings of the Bell investigations when some of these same charges were made and where the investigators by their own admission failed to substantiate them.

Also, Mr. Chairman, I do not forget that the gentleman from Oklahoma was one of the high ranking, responsible officers for a number of years of the national Townsend organization, and I do not overlook the fact the things which he here denounces, and which, if true, ought to be denounced, took place while he was one of the

responsible heads of that organization. One of these things that the gentleman has denounced here was the statement made all over this country by official Townsend Club speakers, even after the revised McGroarty bill was introduced and debated on this floor, that the revised McGroarty bill contained a provision for payment of a pension of \$200. These statements were being made throughout the country while the gentleman was one of the controlling officers of the national Townsend organization.

Every Member of Congress knew that the revised McGroarty bill did not call for payment of a pension of \$200 per month. The gentleman from Oklahoma knew it did not. I was criticized by some Townsend Club members at the time for declaring and carefully explaining in the debate that it did not. Yet I have never heard of the gentleman from Oklahoma, who was then vice president of the national Townsend organization, remonstrating with these official Townsend speakers. I have never heard that he contradicted any of their statements, or that he ever asked that their services be dispensed with because they misrepresented the provisions of the revised McGroarty bill to people who were then uninformed and who received all of their information on the bill through these official speakers and through the official publication of the organization of which the gentleman from Oklahoma was one of the directing heads.

Yet the gentleman now denounces Dr. Townsend for telling his followers that the revised McGroarty bill was a \$200 pension bill. In my own speech in the debate on that bill in 1935, in answer to a direct question upon that point asked me from the floor, I stated that if Dr. Townsend were making that claim there was nothing in the bill to support it and that it was wrong for Dr. Townsend to make it. Did anyone ever hear the gentleman from Oklahoma similarly declare himself in 1935? At that time, if I remember correctly, the gentleman was a candidate for the United States Senate—either prospective or recently defeated—and was running on the Townsend plan.

I rather resented the statement made by the gentleman that Townsend clubs generally, and particularly insofar as my own State of Oregon and the State of California are concerned, are unfair to candidates who do not subscribe to the \$200 idea but who do support measures like the revised McGroarty bill and its successor, H. R. 4199. He said, you will recall, that the Townsend clubs in my State went out and opposed me because I supported the revised McGroarty bill, which does not provide for a pension of \$200, and because I frankly told them it did not. The gentleman is entirely misinformed. The fact is that the Townsend clubs generally supported me. They supported me for several reasons which, judging from the gentleman's remarks, he may have some difficulty in understanding. They supported me, first, because they thought I was a good Member of Congress and, second, because they knew that I had helped to draft the bill in which they were principally interested, the revised McGroarty bill, and that I was energetically trying to secure favorable consideration for it in Congress.

I supported the revised McGroarty bill, just as I am now supporting the bill on that subject which succeeded it this session, the General Welfare Act, H. R. 4199, and made it plain to the Townsend clubs of the State just exactly what the bill was. At first the attitude of these Townsend club members was not very favorable, of course, because they had been told officially by speakers sent out from the national organization, of which the gentleman from Oklahoma was then one of the responsible directing officials, that the bill was something which it was not. That attitude was not favorable toward me when I first told them that the payment of a \$200 pension was not a provision in the revised McGroarty bill, and that the \$200 was merely the limit fixed in the bill beyond which a pension could not be paid in any event. In fact, in one or two places I was told I would be mobbed if I tried to enlighten the members of the Townsend clubs on this point.

Mr. Chairman, I have always made it a practice to tell the people of my district the truth. In connection with this legislation I told them what I stated on the floor twice in debate upon that payment of \$200 a month pension was not a part of the bill, that the bill, in my opinion, would not raise a \$200 a month pension, and that further, in my opinion, the question of just how much the 2-percent tax would raise was not an important question. I stated that I was convinced that it would provide a substantial pension—one sufficient in amount to permit the pensioners to retire from competition with younger men and to spend the remainder of their lives in decency and comfort and happiness. And I told them if the bill would accomplish that it was sufficient.

I do not know, of course, how a position of that kind upon the part of a candidate for Congress would appeal to Townsend Club members of the gentleman's State. I presume, from what he has said here of Townsend Club members, if that is what they are really like in Oklahoma, perhaps the candidate who took the position I took would not fare very well among them. But, Mr. Chairman, I am glad to be able to say to the gentleman from Oklahoma that Townsend Club members in the First Congressional District of Oregon are not like that, nor are any other of the citizens of my district like that. And, just to be sure that the gentleman may understand what I mean, I may also tell him that while the people of my district in the 1936 election gave the President a majority of 51,000, they gave me, a Republican, a majority of 54,000 in the same election.

There are one or two other things which he stated that in my own opinion, and in fact to my knowledge, are not correct. He said there never was a bill introduced in this body providing for a \$200-a-month pension. The gentleman should know from the position he held so long in the national Townsend organization that the first McGroarty bill did provide for just exactly that thing—a flat pension of \$200 per month. One of the principal reasons for revising the McGroarty bill was to take that provision out of it. That revision resulted in H. R. 7154 of the Seventy-fourth Congress, which is the bill I supported, and of which the General Welfare Act is but a further and, I think, even a better revision.

The gentleman from Oklahoma has made so many misstatements in 50 minutes in regard to things I personally know about, that I greatly suspect he has made a proportionately large number of additional misstatements in regard to things with which I am not personally familiar, but with which he, as former vice president of the Townsend national organization, is thoroughly acquainted.

Mr. McGROARTY. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from California.

Mr. McGROARTY. I believe the gentleman from Oklahoma apologized for mentioning that the Townsend clubs opposed the gentleman in his district.

Mr. MOTT. I did not hear him make such apology. I recall, however, that he refused to yield to me for the purpose of correcting that statement, even though I stated to him that that was my only purpose in asking him to yield.

Mr. McGROARTY. He also said they opposed me, which is true. The Townsend organization put up a candidate against me in my district and he received 12,000 votes.

Mr. MOTT. Yes; I know that is true; and I denounced the people in your district who did that. I said then, and I say now, that was the most ungrateful thing I have heard of. The gentleman from California has been the most important man in connection with all of this legislation of all the men in Congress.

I said a few moments ago that I would return to my first objection, that the gentleman from Oklahoma in his speech injected politics, party politics if you please, into this non-partisan issue; and he did that by saying that Dr. Townsend was opposed to the President, and to the President's Supreme Court bill, and a number of other things.

What difference, may I ask the gentleman from Oklahoma, does it make what views Dr. Townsend may or may not hold on these important public questions? Why does the gentleman bring that matter into his discussion of the General

Welfare Act, H. R. 4199, which the gentleman is supporting, which I am supporting, and which Dr. Townsend is supporting? Why did he do this? Why did he go so far as to declare that Dr. Townsend's support of H. R. 4199 is injuring its chances of success in Congress?

Why this partisan attack? Is it because the gentleman from Oklahoma in his speech wanted to try to establish a political and partisan alibi for the failure of this administration to give any support whatever to H. R. 4199? The gentleman knows the President is opposed to H. R. 4199. He knows the Democratic organization of the House is opposed to it. If he was on the floor half an hour before he made his speech he heard Republican members of the Ways and Means Committee declare and announce from the floor of this House that every Republican member of that committee is in favor of holding hearings on H. R. 4199 before that committee to which H. R. 4199 has been referred and that every Democratic member of that committee is opposed to holding hearings. The gentleman knows that the only reason the House is not permitted to debate and vote upon this bill is the refusal of the 3-to-1 Democratic majority to report it or even hold hearings on it.

From the political angle the gentleman is on dangerous ground, and for the good of the General Welfare Act he should quit talking politics in connection with it.

Now, in the minute or two of remaining time, may I say that notwithstanding the misstatements that have been made by the gentleman from Oklahoma, his appearance here on the floor this afternoon has, in my opinion, actually done some good; and I believe it will result in even more good. For the first time many gentlemen here have been given at least an idea of what is involved in H. R. 4199; and I will say further that during the small portion of his time that was devoted to H. R. 4199, the gentleman from Oklahoma made a very good speech, and I hope he will make more of them—not about Dr. Townsend, but about the General Welfare Act.

I trust all Members of the Congress will study this bill carefully and without prejudice, and that in doing so they will disregard entirely the internal fights that have been going on, unfortunately, among many people and many groups of people who are supporting this bill. I trust they will at least sign the discharge petition on the Speaker's desk so that we may bring the bill before the House for discussion on its merits. If you will do that, if you will heed the plea that the gentleman from Oklahoma made to you in that regard, then I think the remarks of the gentleman from Oklahoma, incorrect as some of them have been, will not have been made in vain. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. Luce].

Mr. LUCE. Mr. Chairman, I make two charges against the President of the United States.

First, I charge him with violating fundamental law, the cornerstone of the liberties and rights of English-speaking people, Magna Carta, that great charter upon which the fundamental principles of our safety are based.

Seven hundred and twenty-five years ago nearly all of the nobility of England, 2,000 knights in full armor, and an assemblage of foot soldiers, servants, and attendants gathered in the meadow of Runnymede to extort from King John this great charter. The wretched monarch groveled at their feet, but was compelled to assure the people of England what would be the rights of Englishmen from that time on. I will read two paragraphs from that memorable pledge, articles 39 and 40:

Let no freeman be taken, or imprisoned, or dissembled, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor will we send upon him, except by the legal judgment of his peers, or by the law of the land.

To none will we sell, to none will we deny, or delay right or justice.

I charge that in the removal or the attempted removal of Arthur E. Morgan, of the Board of the Tennessee Valley Authority, the President went upon him and sent upon him

and destroyed his reputation as best the President could, in violation of this pledge of the rights of English-speaking people everywhere on the globe. Without resort to the peers of this man, and in violation of the law of the land, the unwritten law found in precedent requiring inquiry and judgment by a committee of the legislative branch, the President has attempted to destroy the reputation, the good name of an honorable public servant.

Secondly, I charge that in the message laid before this House yesterday the President of the United States used language tending to deceive, whether or not intended to deceive, the people of the United States, language sure to deceive many of them unless somehow we are able to meet it with the truth of the case.

I will read to you from his message this paragraph upon which I base my charge:

(b) On the face of the record charges of the other directors that Arthur E. Morgan has obstructed the work of the Tennessee Valley Authority were substantiated by proof.

I repeat:

Were substantiated by proof.

Again:

Were substantiated by proof.

Mr. Chairman, I did not read with utmost care the transcript of those hearings as appearing in the press. Not certain whether there was or was not anything in it upon which this might be based, I have today asked fully 15 of my colleagues if they had read of anything, had heard of anything, or if they knew of anything to indicate there was one shred of proof presented to the President warranting this averment.

Go on with that paragraph:

Were not refuted—

Of course the charges were not refuted. The man who was charged stood mute, and he had the right to stand mute. He denied the authority of the tribunal that attempted to make him talk. There is nothing in the law and there is nothing in the position of the President that could justly expose this man to criticism because of having failed to refute proof. He demanded a different tribunal, and in this he was within his rights. Does not every man here know that a man charged with an offense has the right to question the authority of the tribunal before which he is haled?

Finish the paragraph—

and therefore must be accepted as true.

The man asked another tribunal, and the President in his message states there is no objection to giving him another tribunal; yet here we are told that because he stood mute in the face of this charge—and it was simply a charge, not yet supported by proof as far as we are now informed—therefore the charge must be accepted as true. Was there ever anything wilder in all the allegations about justice and injustice than the statement that because a man does not accept the tribunal and because the man stands mute, therefore the charge must be accepted as true? Every man here knows the falsity of that. Every man here knows the unfairness of that. If there is anything the American people demand, it is that their officials, particularly their high officials, shall never deviate from fairness to every citizen.

So, because the allegation in question is likely to deceive, whether or not intended to deceive, I hope that somehow we can make the people of this country realize that a charge not yet supported by proof, a charge not yet submitted to the proper tribunal, should not necessarily be accepted as true. For this reason, sir, I profoundly regret both the action of the President of the United States and his words. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. DICKSTEIN. Was the statement just made by our colleague in the form of charges or was it a speech? I still do not know what it was.

Mr. ENGEL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENGEL. Who has yielded to the gentleman from New York? I thought the time was at the disposal of the gentleman from Pennsylvania and myself.

The CHAIRMAN. The gentleman from New York has not submitted a parliamentary inquiry.

Mr. ENGEL. No one yielded for a parliamentary inquiry.

The CHAIRMAN. The Chair has held it was not a parliamentary inquiry.

Mr. ENGEL. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER of Michigan. Mr. Chairman, Japanese cherry blossoms, gurgling fountains, blooming hyacinths, jonquils, and vestless congressional expanses rounding prominently in their new freedom all remind us that spring is here.

Almost before we know it will come June, the month of roses, blushing brides, and secret New Deal conclaves on islands in the Chesapeake Bay.

It hardly seems possible that almost a year has passed since the last secret conclave on Jefferson Island, which, you will recall, was held June 25, 26, and 27.

No one has ever revealed to me the real reason why Jefferson Island was selected for that famous concordat of peace; but it must have been because the island was named after the traditional father of the Democratic Party, whose concepts of government have long been forgotten. Possibly it was just a nice gesture to the memory of those Jeffersonian principles. At any rate, the conclave was held; and although it did not produce any apparent beneficial results, there was talk at that time of making it an annual event.

With that in mind, I rise today to suggest that this year's conclave, if one is to be held, be staged on Solomons Island, also in the Chesapeake Bay.

If there is any virtue in environment, Heaven knows the new dealers need all the benefits that might flow from discourse on Solomons Island.

Another reason why Solomons Island should be the scene of this year's conclave is that this administration of government is about as far removed from the reputed wisdom of Solomon as the New Deal governmental policies are removed from Jeffersonian concepts of constitutional government.

But I had another reason for taking the floor today. I desire to discuss facts in connection with the national debt.

President Roosevelt has had 5 years of unsurpassed public support; unprecedented cooperation by the Congress; unparalleled control of government; of public expenditures, and unquestioned discretion in spending great sums of money.

And now we find ourselves in the depths of the abyss of depression as deeply as we were the day the New Deal moved into Washington.

Not only are we back in the depression, but by 1940 the national debt will have grown to more than \$40,000,000,000.

Now, \$40,000,000,000 means little to the average fellow's mind. It is a sum of money so stupendous that the human mind cannot grasp the significance of the numerals necessary to express it.

It seems to me that we may perhaps get a better grasp of just where we have landed after 5 years of the New Deal—with our \$40,000,000,000 debt and no relief in sight—if we try to translate this sum of money into more understandable images which the human mind can visualize.

You will recall that several months ago that political genius, James A. Farley, conceived a great idea for replenishing the Democratic National Committee's war chest. The idea was to take obsolete Democratic campaign books, worth about 10 cents each as waste paper, and by having President Roosevelt personally autograph some 2,500 sheets of paper to be inserted in the books, promptly raise the sale value to an amount as great, in some instances, as \$10,000 per copy.

According to the figures I have obtained, Mr. Farley, up to May 31, 1937, sold 1,688 of these obsolete campaign books for a total sum of \$720,524.64, or an average of \$426.85 per book.

Now, in order to get some grasp of what this Federal indebtedness of \$40,000,000,000 by 1940 means, I have somewhat laboriously worked the thing out in terms of obsolete Democratic campaign books.

To pay off this enormous debt, if Mr. Farley chose to do so—which he will not—it would require, at an average price of \$426.85, the stupendous number of 93,733,161½ Democratic campaign books—autographed.

To clarify this let us assume that President Roosevelt could maintain an average speed of 10 autographs per minute, he would be required to spend 9,373,361½ minutes writing his famous autograph to put in these books if the debt were to be paid in that manner.

Now, 9,373,316½ minutes equal 156,222 hours. This number of hours equals 19,528 days of 8 working hours each.

Of course we all know that President Roosevelt does not spend every working hour at his desk. We know that he spends a considerable portion of his time fishing. In fact, I recall during the Supreme Court controversy it was disclosed that the President at that time had been absent from his desk about 40 percent of the time.

If that figure is correct, then Mr. Roosevelt spends an average of 219 working days a year at the White House. On that basis, if he did nothing but write his famous autographs each day—at the rate of 8 hours each day—without stopping for nourishment—and no President could be expected to work harder than that—it would take President Roosevelt 19,528 days, or 53½ years, in which to autograph enough Democratic campaign books in order to pay off the national debt.

Now, there is another way out, provided, of course, the President's strength holds out and his popularity did not wane too greatly over the years. It has been currently reported that Mr. Roosevelt has sold to a certain newspaper syndicate his obsolete press conference notes. Apparently the President figured that if Jim Farley could sell obsolete Democratic campaign books, he, the President, could sell his obsolete press conference notes. Anyway, he decided to try it, and apparently has met with success.

There has been a good deal of somewhat pointed, if unkind, criticism about the sale of these obsolete press conference notes; but finally one of Mr. Roosevelt's Secretaries—strangely enough named Early—very belatedly announced that the President has no intention of keeping the money derived from the sale of these notes. According to the belated announcement of Mr. Early, the President is going to give the money to the Government, the exact purpose not being disclosed.

Now, it may be that Mr. Roosevelt has conceived the idea of paying off the national debt by the sale of these obsolete press conference notes.

If he has that in mind, it would figure out somewhat like this:

It is generally reported now that the President's total receipts from the sale of these obsolete press conference notes will be in the neighborhood of \$50,000. On that basis the President would have to have 800,000 batches of obsolete press conference notes in order to pay off our \$40,000,000,000 national debt. Figured on the basis of one press conference a week, the President has held 260 press conferences in the 5 years he has been in office. This means that each press conference gave rise to a batch of obsolete press conference notes worth \$192. On the basis of each batch being worth \$192, it would require 280,333,333 press conferences to provide enough obsolete press conference notes to pay off the national debt.

On the basis of holding one press conference a week, the President will have to remain in office 4,006,410 years and 3 months in order to hold enough press conferences to pay off

the indebtedness he has gotten us into with his New Deal policies.

I intended to figure out how many trains 1 mile in length it would take to haul these obsolete Democratic campaign books and these obsolete press-conference notes; also, how many newspapers it would require to print these obsolete press-conference notes; but the figures became so astronomical in their immensity that I concluded to be content with the foregoing simple illustrations of what \$40,000,000,000 really mean and what the President has gotten us into and how long it will take him to get us out.

I think the figures I have given make it quite apparent that it is highly advisable for the next extraordinary session of Congress to be held on Solomons Island. In that environment we may be able to figure out how this stupendous indebtedness which has been piled up by Mr. Roosevelt may be discharged in this period of depression.

Recently the President took the role of a professor of economics at one of his press conferences—not yet entirely obsolete. With several charts and graphs in front of him he proceeded to give the White House correspondents a course of sprouts in New Deal economics.

The professor was able to demonstrate by peaks and dips of the lines on his charts that prosperity is just around the corner. Of course, he did not use that term. We could hardly expect him to do that. But he did point out that prosperity is just over the next hump.

In any event, the professor demonstrated by his charts and graphs that a given number of princes of privilege, added to a like number of economic royalists, plus twice as many aristocratic anarchists equals one depression. He also demonstrated very clearly that one New Deal bureaucracy, plus 1,000 New Deal theories, plus 1,000 broken promises, equal one national debt of \$40,000,000,000.

I have now demonstrated to you—and I hope very clearly—that 93,722,161½ obsolete Democratic campaign books, plus an equal number of Presidential autographs, plus 53½ years of the Roosevelt administration, would equal the national debt of 1940; provided, however, Mr. Roosevelt spends no more money.

I concede, however, that my calculation is completely erroneous, because it would be impossible for Mr. Roosevelt to remain in office without spending a lot of money. The President has on one occasion expressed a good deal of contempt for the "horse and buggy" days.

But in looking over my figures you will have to admit that he has taken this Nation for a nice buggy ride.

At any rate, those old "horse and buggy" days were thrifty days. A dollar was a dollar in those days. And in those "horse and buggy" days a national annual expenditure of a billion dollars was regarded as something incredible.

In 5 years Mr. Roosevelt has expended somewhere between forty-five and fifty billion dollars, just to get us into another depression. So, of course, we could not expect him to be sympathetic with the thrifty "horse and buggy" days. Such days as those are entirely foreign to Mr. Roosevelt's exuberant nature. His characteristically optimistic view of things is such as to make him ever ready to enjoy the pleasure of lavish spending—down to the taxpayer's last dollar.

Apparently Mr. Roosevelt has never paused to consider the amount of perspiration involved in the production of a bushel of corn or a bale of cotton. Those are mere sweaty details. His is a grandiose view. He loves to deal in millions of bales of cotton and to discuss millions of bushels of corn, forgetting and ignoring the miles which must be trudged along the dusty furrows in order to produce those millions of bales of cotton and those millions of bushels of corn.

Speaking of cotton, corn, and perspiration, let me observe that Mr. Roosevelt is not wholly insensible to the sweat of labor. Someone said recently on the floor of this House that Mr. Roosevelt never did any hard work. I cannot agree with that. It must have been hard work, indeed, to

think up all the promises he has made—just to think them up—to say nothing of attempting to fulfill them.

On one occasion the President, having in mind undoubtedly the sweat he had seen roll from the faces of those whom he watched at their labors, said:

Taxes are paid in the sweat of every man who labors. If excessive they are reflected in idle factories, tax-sold farms, and hence in hordes of the hungry tramping the streets and seeking jobs in vain. Our workers may never see a tax bill, but they pay in deductions from wages in increased costs of what they buy, or (as now) in broad cessation of employment * * *. Our people and our business cannot carry its excessive burdens of taxation * * *.

Of course, what Mr. Roosevelt said in October 1932 was entirely correct. And, O brethren, how he has made the people of this country sweat under taxes ever since.

Back in the days when Mr. Roosevelt was telling us how he was going to borrow and spend us out of the depression he gave us the assurance that from time to time he would set up his trusty microphone and give us a fireside chat. He did so. Many of them. It is true that the more he chatted the nearer he took us to a relapse into the depression. Now we are there. Since we have been in his depression, however, there has been a strange absence of fireside chats.

Today, somewhere between eleven and twelve million unemployed wage earners are sitting beside their fireless firesides, with their cookless cookers on cold kitchen stoves, waiting for Mr. Roosevelt to give them another fireside chat. They want him to tell them where to find jobs during this depression.

Throughout this Nation these unemployed wage earners and their families are waiting for a word of encouragement.

And, incidentally, these wage earners and their families are earnestly hoping that such a chat will not be sponsored by some enterprising cigarette manufacturer or breakfast-food producer. What a poignant thing it would be, brethren and sisters, for those unemployed wage earners and their families, hungry and penniless, to have to listen to the virtues of some toothsome breakfast food extolled at the beginning and end of a fireside chat.

What a poignant thing it would be for those eleven or twelve million unemployed wage earners, penniless and desolate, denied the solace of a pipe or cigarette, to have to listen to a message extolling the delights of a certain brand of cigarettes before and after a fireside chat.

Such sponsored broadcasts and such advertising devices are not now far removed from the President himself.

Will not Mr. Roosevelt again take up his trusty—or should I say rusty—microphone and tell these eleven or twelve million unemployed wage earners and their families where we are going from here—where they can turn for hope?

Will not Mr. Roosevelt tell bewildered and fearful businessmen what they may expect as the policy of the Government toward business for at least the next 12 months?

Will not Mr. Roosevelt tell the taxpayers of America, who are staggering under the present enormous burden, when, how, and if ever they are to get relief?

Will not Mr. Roosevelt go to Solomons Island and from there, perhaps inspired by his environment, tell us all how we are to get out of this mess he has gotten us into? Mr. Chairman, brethren, and sisters, this is not criticism. It is an earnest plea. [Applause.]

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. SHAFER of Michigan. I am pleased to yield to my colleague the gentleman from Michigan.

Mr. HOOK. Probably the gentleman, being a Republican, could tell us whether or not, when Hoover visited Hitler, he arranged for some program whereby if the Republican Party should come back into power Hitler and Hoover could join together to wipe out the national debt.

Mr. SHAFER of Michigan. In reply to the question of my colleague the gentleman from Michigan, I may say that my discussion is an economic one, not political.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield to the gentleman from Ohio [Mr. FLETCHER] such time as he may desire.

THE NEW CENSUS BILL—FACTS YOU SHOULD KNOW ABOUT THE SIXTEENTH DECENNIAL CENSUS

Mr. FLETCHER. Mr. Chairman, today I wish to speak on a matter of fundamental importance to all of us here and to every resident of the United States and its far-flung possessions.

I refer to the Sixteenth Decennial Census which will be taken in 1940.

This census will be the most comprehensive and significant ever taken, covering, as it will, almost every phase of our social and economic life.

Legislation covering this important governmental function is now in preparation. At the proper time I shall call a meeting of the Census Committee for its consideration.

It is well worth our while to glance back over nearly a century and a half of census taking in this country in order that we may appreciate more fully the vital implications of the legislative job which is immediately before us.

Our forefathers, wishing to provide an equitable basis for reapportioning the representatives of the people and of levying direct taxes, incorporated in article I of the Constitution a provision for a decennial count of the population.

AMERICA'S FIRST CENSUS

The First Census, which erected in 1790 the initial milestone of the Nation's statistical history, together with the Second Census, taken in 1800, related solely to population.

Counting noses, however, soon became only one of the major activities of the Census, for the need of knowing other facts about our country was soon recognized.

By 1810 the infant industries of the Nation had begun to flourish to such an extent that the need for industrial statistics became apparent, and so manufacturing data have been gathered periodically since that year.

In 1840 a census of agriculture was taken, and this vital activity has been continued.

Business statistics have been collected since 1929, eliminating a blind spot which existed in our economic statistics.

In addition to these four major activities—the collection of population, manufacturing, agricultural, and business data—facts are collected on births and deaths, religious bodies, on finances of States and cities, and on institutions for criminals, insane, and others.

MEETING NEW DEMANDS

The Census has necessarily adapted its services to keep pace with fundamental changes in our economic and social structure and to meet the growing factual needs to which these changes have given birth.

As recently as 1935 censuses of business, agriculture, and manufactures were taken, which provide a more complete picture of the economic life and resources of our country than has ever before been made available at one time.

These censuses have established new bench marks in the statistics of business, industry, and agriculture, from which, by use of the current reports of the Census Bureau and other agencies, it will be possible to anticipate more accurately the economic trends for several years to come.

Epochal changes in the function of government and in the organization of American life in recent years make it imperative that we adopt legislation to continue to provide a continuous series of accurate pictures of what is taking place.

THE NEW BILL

The bill for the Sixteenth Decennial Census will be drafted to provide factual information necessary to meet the growing complexities of our national life and at the same time to accomplish this in the most efficient and least expensive manner.

In order to furnish you with information which you will find helpful during the consideration of this bill, I will explain briefly some of the more important items.

Probably the most significant feature of the new bill is a proposal to take the population census every 5 years instead of every 10 years.

Our population has increased a maximum of 37 percent and a minimum of 15 percent in each 10-year period between our censuses, which indicates how dynamic the question of population is.

Fairly accurate estimates of these increases are made between censuses for the country as a whole, but the estimates become less and less accurate the further away we get from the last census.

For States the problem of estimating population changes is more difficult, because we have no check of people going between States such as we have of people coming into and going out of the country.

It is almost impossible to estimate the ebb and flow of city and county population. And yet it is in these small areas that accuracy is most needed for enlightened Government activities, such as relief and planning, and also for business management in their studies of the marketing of their goods and the labor supply.

DEMAND FOR ACCURATE STATISTICS

The demand for accurate statistics for small areas is so great that certain States, and even cities, have been forced to take their own population censuses.

All segments of our governmental, business, industrial, and social activities have a stake in these population figures.

Thus it is extremely important that they be as accurate and as up to date as possible.

It must be stressed that the population census is not simply a count of noses but embraces such fundamental facts as rents, home values, literacy, race, nationality, and other significant data.

Censuses of population at 10-year periods may have answered our needs under the simple and slowly changing conditions of our national childhood, but they are far from adequate for a nation which has matured into world leadership in a period fraught with enormous and constantly growing social and economic complexities.

This is a time more than any other in our history in which man's judgment is now better than the facts upon which it is based.

The collection of those facts on a comparable basis throughout the Nation has long since surpassed the financial and physical capabilities of any organization outside of our Federal Government.

The value of this over-all picture, turned out on a mass-production basis, is enormous, but its cost to individual users is infinitesimal.

FOUR NEW INQUIRIES

Four major inquiries will be made in 1940 under the terms of the new bill which I shall introduce.

These are censuses of population, agriculture, business, and manufacturing.

A complete picture of the Nation's social and economic status will thus be presented for use as a base line.

The bill then provides that in the future the population and agricultural censuses be taken every 5 years in the years ending in 0 and 5, while the censuses of business and manufactures will be taken at 5-year intervals also, but for years ending in 3 and 8.

Closely connected with the changes in the frequency of the major censuses and, in fact, growing from them, is the increased efficiency and economy to be brought about by distribution of the work load more evenly over the 10-year period.

Up to now there has been an unavoidable lack of efficiency and economy because of the huge expansion of activities each 10 years centering around the population census.

This peak load, lasting for 2 or 3 years, made it necessary to hire personnel untrained to carry out the highly specialized duties connected with census taking.

It was impossible properly to train this personnel before taking a census, and by the time they became fairly well acquainted with their duties the census was over.

The bill for the Sixteenth Decennial Census provides a method for staggering the major work loads so that a highly trained skeleton field force can be permanently maintained, thereby giving more and better work at a decreased cost.

OUR CENSUS BUREAU LARGEST IN THE WORLD

Our Census Bureau is the largest collector and distributor of economic and social statistical material in the world, and appropriately so, for only the Federal Government is in a position to collect such data on a national scale for the use of all the people.

Briefly I have described the major activities of the Census and have related how these activities were developed to meet the needs of our growing and changing country.

It is necessary that such a growth be coordinated from time to time.

This is the main objective of the Sixteenth Decennial Census bill.

I recognize the old proverb, "You can prove anything by statistics," is partially true, but its complement is gaining increasing recognition—without statistics you can prove nothing.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I yield myself a minute and a half in order to make the following statement:

Mr. Chairman, several Members of Congress appeared before the subcommittee handling this bill and made statements upon a number of different subjects. Among them was my distinguished colleague, Hon. LEON SACKS, of Philadelphia, who made a very forceful and interesting statement upon the division of clothing manufacturing between the Government's depot at Philadelphia and commercial manufacturing establishments.

The reporter of the hearing evidently misunderstood Mr. Sacks' name, and the hearing appears in our printed record as Mr. STACK's, another of my colleagues from the city of Philadelphia. I am very sorry the error occurred. The statement, commencing on page 731 of our hearings, attributed to Representative STACK, is in fact the statement made to the subcommittee by Representative SACKS.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Speaker pro tempore [Mr. WARREN] having resumed the chair, Mr. LUTHER A. JOHNSON reported that the Committee, having had under consideration the bill H. R. 9995, had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent that on Tuesday, after the reading of the Journal and disposition of matters on the Speaker's desk and the completion of the legislative program of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a copy of a letter I wrote to the Secretary of War and two very short editorial comments regarding the subject matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from Clyde A. Tolson, Assistant Director of the Federal Bureau of Investigation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAVERICK asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two brief newspaper articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a comparative statement of imports and dairy products.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under the special order of the House the gentleman from New York [Mr. DICKSTEIN] is recognized for 30 minutes.

UN-AMERICAN ACTIVITIES

Mr. DICKSTEIN. Mr. Speaker, no democracy has a right to look on calmly when its very foundations are being undermined by subversive groups. No democracy has a right to commit suicide by not defending its liberal institutions against such subversive attacks from within and from without. No democracy can survive with foreign propaganda penetrating its borders which seeks to array one American against another, and no democracy can survive when foreign propaganda seeks to destroy its constitution and substitute in its place a dictatorial or totalitarian state.

Many things have happened within the last few weeks. I was hoping, Mr. Speaker, to have a little time earlier in the day, but the gentleman in charge of the time this morning, apparently, found some favorite sons to give us a lot of talk, while I thought I had a message of importance to convey to the country. The gentleman from Pennsylvania had done this once before.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I am not talking about the gentleman. I am talking about the gentleman from Pennsylvania.

Mr. POWERS. I realize that. I happen to be from across the river in New Jersey.

Mr. DICKSTEIN. I will yield to the gentleman.

Mr. POWERS. Mr. Speaker, I realize the gentleman has had difficulty in getting time. I further realize he has 30 minutes under this special order. I am wondering, due to the lateness of the hour, if it might not be well if he would revise and extend his remarks?

Mr. DICKSTEIN. I did not yield for that purpose. I yielded for a question, and I do not think that is a fair statement.

Mr. POWERS. I just asked the gentleman to yield.

Mr. DICKSTEIN. I do not think it is fair for the gentleman to ask me to yield and then make a statement about taking me off the floor. If the gentleman was so much interested in what I had to say, he could have yielded to me during the earlier part of the day.

Mr. Speaker, I decline to yield further. I shall exercise my prerogative in that respect.

Mr. DOCKWEILER. Mr. Speaker, is the gentleman touching the subject again that he brought up during the time that I had the floor?

Mr. DICKSTEIN. I am going to take that up in the course of my remarks, but I hope to extend my remarks and to clarify somewhat the position that the committee has taken.

Mr. DOCKWEILER. There is a provision in the current War Department appropriation act and there is a provision in the pending bill that no alien can serve in the Army of the United States or in the National Guard. Possibly the National Guard has not succeeded in weeding out all who are not citizens, but a determined effort is under way to see that the rule placed in our bill last year is generally and completely observed.

Mr. DICKSTEIN. The fact of the matter is that this committee and the Congress have allowed aliens in the State militia, people who did not belong there, and whose allegiance to the State and to the country is nil. I am very grateful to the Governor of my State. When I called the matter to his attention it was found that at least five or six hundred Nazis were in the militia who were more or less

conveying all of the information they could obtain to the German Government. If we go through the files we will find hundreds of them not only in my State but in the gentleman's State, and in at least 15 States, and it is about time that this committee took the trouble to purge the State militia of alien influences that have no business in our democracy.

Mr. DOCKWEILER. I certainly am not in sympathy with the Nazis or any other type of ism getting into our National Guard. We tried to take care of it last year by inserting language in the Army appropriation bill, and it is there today, and forbids the enlistment and use of aliens.

Mr. DICKSTEIN. That is right. On July 1, 1937, the gentleman's committee for the first time woke up, at a time when it was paying Federal money for the support and maintenance of the State militias, and what a first line of defense that would be if some of these Nazis were going to defend the people of my district or in my State, if that ever were necessary. In the State of Illinois, in the State of California, and in the State of Pennsylvania, and I can go right down the line, you have alien bund leaders, Nazis, who cannot sincerely pledge allegiance to our Government but who get the benefit of training and education and go back to Germany to their Fascist leaders, and carry on war against the United States.

Mr. DOCKWEILER. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I refuse to yield any further.

Mr. DOCKWEILER. But the gentleman mentioned my State and charged that Nazis are members of the National Guard.

Mr. DICKSTEIN. Right in your National Guard, and you are doing nothing about it.

Mr. DOCKWEILER. Does the gentleman know that to be a fact? Has he any facts upon which to base that assertion?

Mr. DICKSTEIN. I am not the Department of Justice, and I am giving the gentleman some information out of respect, because he yielded to me.

If the gentleman is serious—and I understand he is a candidate for Governor in his State—he will go into his State and check up what I say. I do not want to yield any further. In the Army we have an Intelligence Service. We have a group of a few men who are smoking a pipe, during a time when spies are suffounding this country day in and day out. The Department of Justice and the State Department are picking them up every day, thereby performing a great service to this country. An intelligence service ought to be in a position to find out the bad ones that are coming into this country for the purpose of taking secrets out of the country to their dictators. True we have a better force in time of war, but in times like these, with the world being disturbed, our Intelligence Service, insofar as protecting secrets in the Navy and the Army is concerned, is not of great value.

Why did not this committee do something to check into that?

Mr. Speaker, I have some very important facts to present to the country, but time does not permit me to go into detail. I ask unanimous consent to extend my remarks by including therein certain extracts from a Nazi newspaper which is subsidized by the German Government calling upon all Nazis and all people who sympathize with dictators to take out membership in the so-called bund. For the first time they print the application for membership. They seek several hundred thousand members in their bund to help Mr. Hitler in this country. For the first time they admit, Mr. Speaker, that there is such a bund. For the first time they admit that their bund contains a leadership principle and an oath to a leader and a dictator. I respectfully submit, Mr. Speaker, that this ought to be put in the RECORD for the benefit of the Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

You German-Americans, who, as Americans, realize that it is your duty to help outlaw Jewish international, atheistic communism in all its disguises, and who, as sons of Germans, would defend your "old country" against malicious defamation, helping our United States of America to profit by Germany's experiences, join the German-American Bund (Amerika-Deutscher Volksbund) an essential part of the movement of the 100,000,000 Aryan (white gentile) Americans, fighting to reconstitute our country a free and sovereign, God-fearing, moral, social, and national United States.

Local units all over the country.

Frequent English-language meetings.

German-American Business League, Inc. (DKV) to fight all boycott rackets.

Vacation camps for old and young to cleanse mind and soul of "red" rottenness.

Four newspapers free of Jewish domination with growing English-language sections.

For Constitution and flag, for practical Christianity, for true social justice and an American labor front.

All Americans seeking truth and fighting spirit are welcome in our ranks.

Fill out application below and mail to nearest local listed at right.

GERMAN-AMERICAN BUND

Unit:

Address: German-American Bund, Post-office box 75, Station "K," New York, N. Y.

Application for membership

District _____
Unit _____

Please do not use this space: No. _____

Payable when applying: Initiation fee, \$1; monthly dues, \$0.75; and voluntary donation, \$0.50 and up.

I hereby apply for admission to membership in the German-American Bund, the purposes and aims of which are known to me, and I obligate myself to support them to the best of my ability. I recognize the leadership principle, in accordance to which the bund is being directed. I am of Aryan origin, free from Jewish or colored blood.

Please write distinctly

Full name _____ Occupation _____

Exact address _____

Born _____ Place of birth _____

(day) (month) (year)

Single/Married/Widowed _____ Nationality _____

Telephone _____

Two References: _____

(1) _____

(2) _____

To what organizations do you belong? _____

Paid dues: _____

Initiation fee _____ \$ _____

Monthly fee _____ \$ _____

Vol. donation _____ \$ _____

Date _____

(Applicant's personal signature)

(Chairman)

Addresses of principal local units in Greater New York:

Astoria German-American Bund, care of Turnhalle, 44-01 Broadway, Astoria, Long Island.

Bergen County German-American Bund, post-office box 128, Hackensack, N. J.

Brooklyn German-American Bund, 267 St. Nicholas Avenue, Brooklyn, N. Y.

Brooklyn South German-American Bund, Prospect Hall, Prospect Avenue, Brooklyn, N. Y.

Bronx German-American Bund, Eblings Casino, St. Ann's Avenue, corner One Hundred and Fifty-sixth Street, Bronx, N. Y.

Hudson County German-American Bund, 754 Palisade Avenue, Union City, N. J.

Jamaica German-American Bund, 168-15 Ninety-first Avenue, Jamaica, Long Island.

Lindenhurst German-American Bund, post office box 555, Lindenhurst, Long Island.

Nassau County German-American Bund, Brauhof, Third Street and Jericho Turnpike, New Hyde Park, Long Island.

Newark German-American Bund, post-office box 65, Irvington, N. J.

New Rochelle German-American Bund, post-office box 724, New Rochelle, N. Y.

New York German-American Bund, post-office box 75, station K, New York, N. Y.

Passaic County German-American Bund, 269 Passaic Street, Passaic, N. J.

Staten Island German-American Bund, Atlantic Rotisserie, 191 Canal Street, Stapleton, Staten Island.

White Plains German-American Bund, post-office box 813, White Plains, N. Y.

Yonkers German-American Bund, Polish Community Center, 92 Waverly Street, Yonkers, N. Y.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield?
Mr. DICKSTEIN. I yield.

Mr. FLETCHER. Will the gentleman give me the name of the paper?

Mr. DICKSTEIN. It is the Deutscher Weckruf, published as recently as March 10, since Mr. Hitler took the so-called friendly action to protect Austria.

Mr. FLETCHER. Is it published in the United States?

Mr. DICKSTEIN. It is published in the United States but paid for by German money.

Mr. FLETCHER. Where is it published?

Mr. DICKSTEIN. Three papers of this kind are published in New York, Philadelphia, and Washington and are paid for by German money sent in here from abroad.

Mr. FLETCHER. Certainly no loyal patriotic American paper would take advertising of that kind.

Mr. DICKSTEIN. This paper does not carry any American advertising. It is operated at a loss of \$1,000 or \$1,500 a month.

Mr. FLETCHER. It is a "throw" sheet.

Mr. DICKSTEIN. It is just a propaganda sheet in which they seek to destroy America and substitute a Fascist dictatorial regime.

Mr. FLETCHER. Was that advertisement written by any American advertising agency?

Mr. DICKSTEIN. No; the German Government itself is apparently behind this advertisement.

All of us who have been witnessing the events on the international scene in the last few days have become convinced of the danger to world peace which emanates from the totalitarian states.

Nazi Germany is a vast jail. I have before me a map which shows that the country is dotted with concentration camps, penal institutions, and other devices to keep opponents away from the public gaze—and this is the country which dares to tell our people how to manage our affairs and how to bring the "blessings" of national socialism to our shores.

In and out of Congress I have spoken about this menace and I am sure my words must have found a responsive chord in your breasts. The other day the gentleman from New Jersey [Mr. THOMAS] saw fit to state in the CONGRESSIONAL RECORD—

Let us begin immediately to close up every Nazi and Communist camp in the country, even if it means empowering the State militia to step in and halt their activities.

I had occasion to tell you about the weeding out of aliens from the State militia in New York. You know it was necessary to pass a Federal law to do so.

The enemy is vigilant, ruthless, and reckless. It does not care a bit about our institutions and the continuance of our mode of living. We, who love America and wish to maintain our traditions, and hew clear to the line laid down by our Constitution, must combat this menace at all times and in all places.

In unhappy Austria propaganda has been carried on for the last 4 or 5 years. The same type of propaganda is being carried on in the United States, in South America, and all over the world. Hitler and his satellites wish to create a disturbance and weaken the political strength of every country, so that he could seize control of the internal affairs of other nations. He has seized Austria against the will of the Austrian Government and the Austrian people and has put hundreds of liberals into concentration camps, while hundreds of others have committed suicide. Will he stop at Austria, or will Poland, Rumania, Czechoslovakia, and other countries share the fate of Austria in the near future?

Even South America found it necessary to curb Nazi activities. Brazil, itself a Fascist country, could not stomach Hitlerism and its works. Can we sit by and let nature take its course while a ruthless dictator is at our doors?

An investigation at this time is necessary and essential for the best interest of our country. No leaders or group of leaders can set themselves up in opposition to an investiga-

tion. We cannot determine the damage done to our body politic unless the facts are gathered together and the whole picture of the situation presented to us under oath with the aid and assistance of our agencies, both public and private.

There can be no two ways about it—either we permit this nefarious activity to continue unchecked and pay no attention to it or, if our democracy is worth saving and preserving, it will be up to use to hold a thorough and detailed investigation at the earliest possible date.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HAINES for the balance of the week on account of important business.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

ADJOURNMENT

Mr. COOPER of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until tomorrow, Friday, March 25, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON BANKING AND CURRENCY

The Committee on Banking and Currency will continue hearings on Monday morning, March 28, 1938, at 10:30 o'clock, on the Patman bill, H. R. 7230.

COMMITTEE ON PATENTS

On Friday, March 25, 1938, at 10 o'clock the Committee on Patents will continue hearings that began Monday, March 21, on the following measures: H. R. 9259, to provide for compulsory licensing of patents; H. R. 9815, to provide for the granting of licenses under patents brought within a single control by competitors to dominate an industry; H. R. 1666, to provide counsel for the defense and prosecution of rights of indigent patentees.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, March 25, 1938. Business to be considered: Continuation of hearing on H. R. 9738, civil aeronautics.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Continuation of hearing on S. 1261—through routes.

There will be a meeting of Mr. BULWINKLE's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Hearings on H. R. 9073—to extend services of the Cape Fear River.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10

a. m. Wednesday, April 6, 1938, on bills in behalf of custodial employees in the Postal Service. Room 213, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, March 30, 1938, for the public consideration of H. R. 8631—for the relief of Vincenzo Ferrero, and for the further consideration of unfinished business of the committee.

COMMITTEE ON EDUCATION

There will be a meeting of the Committee on Education on Friday, March 25, 1938, at 10 a. m. Report of President's Advisory Committee on Education.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Friday, March 25, 1938:

H. R. 6745. To require a uniform manning scale for merchant vessels and an 8-hour day for all seamen.

H. R. 8774. To amend the Seamen Act of March 4, 1915, as amended and extended, with respect to its application to tug towing vessel firemen, linemen, and oilers.

H. R. 9588. To provide for an 8-hour day on tugs on the Great Lakes.

Tuesday, March 29, 1938:

H. R. 9765—S. 3595. To authorize the purchase and distribution of products of the fishing industry.

Wednesday, March 30, 1938:

H. R. 8840. To amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380).

S. 1273. To adopt regulations for preventing collisions at sea.

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

Full open committee, Naval Affairs, meets at 10:30 a. m. Monday, April 4, 1938; continuation of consideration on H. R. 9315—to regulate the distribution, promotion, and retirement of officers on the line of the Navy, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

1182. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 4, 1938, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Tanana River and Chena Slough, Alaska, authorized by the Flood Control Act approved June 22, 1936, and by act of Congress approved July 1, 1935 (H. Doc. No. 561), was taken from the Speaker's table, referred to the Committee on Flood Control, and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 5633. A bill to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States; without amendment (Rept. No. 2003). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Washington: Committee on Pensions. H. R. 1788. A bill granting an increase of pension to Helen K. Snowden; with amendment (Rept. No. 1992). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 2775. A bill granting an increase of pension to Augusta M. Coontz; with amendment (Rept. No. 1993). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 3368. A bill granting an increase of pension to Mary Merrill Scott; with amendment (Rept. No. 1994). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 4584. A bill granting an increase of pension to Elizabeth Painter Menoher; with amendment (Rept. No. 1995). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 5272. A bill granting an increase of pension to Clara Prentiss Billard; with amendment (Rept. No. 1996). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 5613. A bill granting an increase of pension to Nellie J. Day; with amendment (Rept. No. 1997). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 8217. A bill granting an increase of pension to Grizelda Hull Hobson; without amendment (Rept. No. 1998). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 8316. A bill granting an increase of pension to Harriet L. Liggett; with amendment (Rept. No. 1999). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 9054. A bill granting an increase of pension to Isabelle Johnston; with amendment (Rept. No. 2000). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 8155. A bill granting an increase of pension to Mrs. Thomas H. Jackson; without amendment (Rept. No. 2001). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Pensions. H. R. 9926. A bill granting an increase of pension to Jean-

nette W. Moffett; without amendment (Rept. No. 2002). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 10013) to assure to certain aliens legal admission for permanent residence within the United States; to the Committee on Immigration and Naturalization.

By Mr. SUMNERS of Texas: A bill (H. R. 10014) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia; to the Committee on the Judiciary.

By Mr. CARTWRIGHT: A bill (H. R. 10015) providing for the purchase by the United States of the segregated coal and asphalt deposits in Oklahoma from the Choctaw and Chickasaw Tribes of Indians; to the Committee on Indian Affairs.

By Mr. GREEVER: A bill (H. R. 10016) to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended; to the Committee on the Public Lands.

By Mrs. NORTON: A bill (H. R. 10017) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Labor.

By Mr. BARTON: Joint resolution (H. J. Res. 628) to create a special joint congressional committee to recommend the repeal of bad, obsolete, and useless laws; to the Committee on Rules.

By Mr. LEMKE: Joint resolution (H. J. Res. 629) extending the time to November 1, 1939, beyond the 3-year period within which farmer debtors, who filed under section 75 of the Bankruptcy Act, may readjust and refinance their indebtedness under the terms and provisions of said section 75; to the Committee on the Judiciary.

By Mr. LORD: Joint resolution (H. J. Res. 630) authorizing the Director of the Civilian Conservation Corps to cooperate with the States and subdivisions thereof in destroying tent-caterpillars; to the Committee on Labor.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio memorializing the President and the Congress of the United States to continue the Works Progress Administration in Ohio as a means of affording relief to those unemployed who are able to work on public projects; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINSON: A bill (H. R. 10018) for the relief of Jesse Stokes Bowling, Jr.; to the Committee on Military Affairs.

By Mr. CULKIN: A bill (H. R. 10019) granting an increase of pension to Elizabeth A. Hayes; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 10020) for the relief of Oscar R. Wolf; to the Committee on Military Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 10021) granting a pension to Anna M. Fladger; to the Committee on Pensions. Also, a bill (H. R. 10022) for the relief of Theodore A. Mooring; to the Committee on Military Affairs.

By Mr. ROCKEFELLER: A bill (H. R. 10023) granting an increase of pension to Julietta Waltermire; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4613. By Mr. BATES: Petition of the Republican City Committee of Haverhill, Mass., seeking a congressional investigation of the steadily deteriorating shoe industry of Haverhill that has been largely brought about by imported shoes; also, of the effects of imports under trade agreements on all New England industries, and demanding that a solution to the consequent unemployment problem be found and proper action taken to effect the same; to the Committee on Foreign Affairs.

4614. By Mr. CULKIN: Petition of the State of New York, on motion of Senator Pitcher, requesting the Congress to enact and submit to the several States for ratification an amendment to the Constitution of the United States which will remove existing exemptions from taxation or personal income derived from any salary, wage, or emolument paid by the United States or any unit or agency of government within the United States; to the Committee on Ways and Means.

4615. Also, petition of the Senate of the State of New York, upon motion of Senator Pitcher, requesting the Congress to enact and submit to the several States for ratification an amendment to the Constitution of the United States which will permit the taxation of income derived from securities thereafter issued by the United States or any unit or agency of government within the United States; to the Committee on Ways and Means.

4616. Also, petition of the Association of Highway Officials of the North Atlantic States, A. Lee Grover, Trenton, N. J., secretary and treasurer, urging that in the consideration of arterial transcontinental highways the Congress first consider a highway between Washington, D. C., and Boston, Mass.; that the planning of such highways be invested in the Bureau of Public Roads, Department of Agriculture; to the Committee on Roads.

4617. Also, petition of the Jefferson County Petroleum Industries Committee, W. A. Fox, Watertown, N. Y., chairman, urging that the Congress eliminate Federal taxes on gasoline and lubricating oil, and other motorist taxes; to the Committee on Ways and Means.

4618. Also, petition of the Lewis County Petroleum Industries Committee, H. C. Brown, president, Lowville, N. Y., urging that the Congress eliminate Federal taxes on gasoline and lubricating oil and other motorist taxes; to the Committee on Ways and Means.

4619. By Mr. FORAND: Petition of the General Assembly of the State of Rhode Island, memorializing Congress with relation to Rhode Island's attitude upon the matter of the Vinson naval expansion bill, so-called, namely, House bill 9218; to the Committee on Naval Affairs.

4620. By Mr. FULMER: Resolution of the National Furniture Warehousemen's Association and Allied Van Lines, Inc., in joint national convention assembled at Santa Barbara, Calif., this 27th day of January 1938, endorsing the principles and aims of the Social Security Act, favoring the abandonment of the full reserve system, and recommending the substitution of a contingent reserve on a pay-as-you-go basis; to the Committee on Ways and Means.

4621. By Mr. KENNEDY of New York: Petition of the American Committee for Defense of Lithuania, concerning the recent international events, specifically the Polish-Lithuanian developments; to the Committee on Foreign Affairs.

4622. Also, petition of the Engineers' Speaking Society of New York City, concerning the reorganization bill; to the Committee on Government Organization.

4623. Also, petition of the Hayward-Schuster Co., New York City, concerning the Federal reorganization bill; to the Committee on Government Organization.

4624. By Mr. KEOGH: Petition of William H. Strang Warehouses, Inc., Brooklyn, N. Y., concerning the Federal reor-

ganization legislation; to the Committee on Government Organization.

4625. Also, petition of the American Lecithin Co., Inc., Elmhurst, Long Island, N. Y., concerning House bill 9259, to provide for compulsory licensing of patents; to the Committee on Patents.

4626. By Mr. LAMNECK: Petition of James D. Caldwell and other members of the Ohio Federation of Post Office Clerks, of Columbus, Ohio, endorsing the Luecke seniority bill (H. R. 3415); to the Committee on the Post Office and Post Roads.

4627. By Mr. LEAVY: Resolution adopted by the Douglas County (Wash.) Central Democratic Committee, and signed by officers of that organization, officers of the county, and a number of other prominent Democrats, reviewing the numerous tasks successively undertaken by the present administration to bring order out of the chaos existing at the time it assumed control of the Government; scoring the obstructionist tactics of reactionary Democratic leaders in both openly and furtively opposing the duly chosen administration in a time of dire national stress and calling upon the Democracy of the State to give no heed to the false leaders who would now embarrass and destroy the great humanitarian program of recovery, but rather for all county and State administrations to stand solidly behind the President and the national administration for support of our national defense; promotion of the general welfare; establishment of domestic tranquillity and social progress; to the Committee on Ways and Means.

4628. By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of Rhode Island, in relation to House bill 9218; to the Committee on Naval Affairs.

4629. By Mr. PFEIFER: Petition of the American Lecithin Co., Inc., Elmhurst, Long Island, N. Y., concerning the Federal licensing bill (H. R. 9259); to the Committee on Patents.

4630. Also petition of William H. Strang Warehouses, Inc., Brooklyn, N. Y., concerning the Government reorganization bill; to the Committee on Government Organization.

4631. By Mr. RICH: Petition of citizens of Kane, Pa., protesting against the passage of Senate bill 2970, known as the reorganization bill; to the Committee on Government Organization.

4632. By the SPEAKER: Resolution unanimously adopted at a meeting of American citizens of Lithuanian descent, concerning the current Polish-Lithuanian incident; to the Committee on Foreign Affairs.

SENATE

FRIDAY, MARCH 25, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 24, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bridges	Connally	Gillette
Andrews	Brown, Mich.	Copeland	Glass
Ashurst	Brown, N. H.	Davis	Green
Austin	Bulkeley	Dieterich	Guffey
Bailey	Bulow	Donahay	Hale
Bankhead	Burke	Duffy	Harrison
Barkley	Byrnes	Ellender	Hatch
Berry	Capper	Frazier	Hayden
Bilbo	Caraway	George	Herring
Bone	Chavez	Gerry	Hill
Borah	Clark	Gibson	Hitchcock